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# Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya

**Addendum**

## Mission to Togo* **

*Summary*

The Special Rapporteur on the situation of human rights defenders conducted an official follow-up visit to Togo from 7 to 11 October 2013, during which she met with relevant government officials, including the Prime Minister, the national human rights institution and a wide range of human rights defenders.

In the present report, the Special Rapporteur re-assesses the situation of human rights defenders in Togo with regard to her first visit in 2008, and highlights new developments. She considers the legal and institutional framework for the promotion and protection of human rights, with particular attention focused on the exercise of public freedoms and the role of national human rights institution. She then analyses the challenges faced by certain groups of human rights defenders, including women defenders, journalists and media workers, and those defending the rights of lesbian, gay, bisexual and transsexual persons.

The Special Rapporteur concludes the report with recommendations for all relevant stakeholders.

* Late submission.

** The summary of the present report is circulated in all official languages. The report itself, contained in the annex to the summary, is circulated in the language of submission and in French only.

## Annex

*[English and French only]*

# Report of the Special Rapporteur on the situation of human rights defenders on her mission to Togo

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# I. Introduction

1. Pursuant to Human Rights Council resolutions 7/8 and 16/5, the Special Rapporteur on the situation of human rights defenders conducted an official follow-up visit to Togo from 7 to 11 October 2013, at the invitation of the Government. The purpose of the visit was to re-assess the situation of human rights defenders in Togo in the light of the first visit undertaken in 2008 and the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.[1] An examination of the environment in which human rights defenders operate was of particular importance to the assessment, including the legal and administrative framework, institutional policies and mechanisms for the promotion and protection of human rights.

2. During her visit, the Special Rapporteur met with the Prime Minister and senior with officials from the Ministries of Foreign Affairs, Human Rights and The Consolidation of Democracy, Security and Civil Protection, Justice, and Labour. She also met with the President of the Supreme Court. The Special Rapporteur met with the High Authority for Broadcasting and Communications (HAAC), the Vice-President and members and staff of the National Human Rights Commission, and representatives of the Bar Association.

3. The Special Rapporteur also met with the members of the United Nations country team and with members of the diplomatic corps. She had meetings with a wide range of defenders and representatives of civil society, including a group from the regions. The Special Rapporteur thanks all those who took the time to meet with her and share their valuable experiences and insights, and in particular the Office of United Nations High Commissioner for Human Rights (OHCHR) in Togo for helping once again to organize the mission visit and providing the support necessary.

# II. Background and methodology

4. The Special Rapporteur conducted a first visit to Togo from 28 July to 4 August 2008, at the invitation of the authorities. She undertook the visit together with the Special Rapporteur on human right defenders of the African Commission on Human and Peoples Rights, Reine Alpini-Gansou – the first joint visit by United Nations and African Union Special Rapporteurs. The mission was deemed a good practice, given that it enhanced the visibility of the mission, brought joint expertise and helped in the follow-up to the issues raised.

5. The Special Rapporteur conducted her follow-up visit from 7 to 11 October 2013. She thanks the Government of Togo for inviting her to visit the country once again. She nevertheless regrets that, on this occasion, the follow-up visit could not be conducted jointly with the Special Rapporteur of the African Commission owing to conflicting agendas.

6. When the Special Rapporteur first visited the country in 2008, the transition and reconciliation process was just commencing. In August 2006, the Government of Togo and all opposition parties signed a global political agreement. In 2008, nationwide consultations were held, reflecting the demand for truth, justice, reparation and reconciliation. She subsequently urged the Government to meet that demand and satisfy the expectations of the people of Togo and the international community. In 2009, the Truth, Justice and

[1] General Assembly resolution 53/144, annex.

Reconciliation Commission was established to investigate past violations and to address impunity.

7. In April 2009, the President's half-brother was arrested in an alleged coup. The presidential elections of 2010 were held in a peaceful manner, despite the allegations of fraud made by the opposition. Although international observers noted that inadequate transparency measures had undermined their confidence in the elections, they did not challenge the outcome.

8. The parliamentary elections held in July 2013 were also conducted peacefully. The ruling party, Union pour la Republique (UNIR) secured an absolute majority in Parliament, winning 62 seats out of 91, while the new opposition coalition, Collectif Sauvons le Togo, took 19 seats.

9. The objective of the follow-up visit was to re-assess several years since the first visit, in the same spirit of cooperation and dialogue, the environment in which human rights defenders operate, also from the viewpoint of the observations and recommendations made by the Special Rapporteur in her first report,[2] and to highlight new relevant developments.

10. To facilitate her assessment, the Special Rapporteur referred to her previous report to identify progress and gaps that have emerged since her first visit. To this end, a table was prepared containing the main findings and recommendations made in the previous report, together with a summary of the inputs provided by the main stakeholders (see annex).

11. The information gathered during follow-up visits may, however, go beyond the issues initially raised in the previous report. The present report therefore provides an account of both aspects, namely, a follow-up assessment and an updated overview of the situation of human rights defenders in Togo.

# III. Legal and institutional framework for the promotion and protection of human rights

## A. International level

12. The Special Rapporteur commends the authorities for their efforts to strengthen the legal and institutional framework, mainly through their engagement in the universal periodic review process and with United Nations treaty bodies. Some of the most important developments include the introduction of amendments to the Criminal Code, notably a definition of torture, and to the Individuals and Family Code (code des personnes et de la famille) with a view to ensuring compliance with international human rights obligations and standards. The Special Rapporteur believes that there is now a need to expedite the adoption of such amendments and to implement them so that the people of Togo may see real change. She encouraged the Government to ratify the United Nations treaties to which Togo is not yet a party,[3] including the Rome Statute.

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[2] A/HRC/10/12/Add.2.

[3] The Optional Protocol to the International Convention on Economic, Social and Cultural Rights (signed in 2009), the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families (signed in 2011), the International Convention for the Protection of All Persons from Enforced Disappearance (signed in 2010), the Second Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

13. The universal periodic review of Togo was held in 2011. The Special Rapporteur is pleased to note that the process at the national level was participatory and inclusive, and that civil society actors and human rights defenders were involved. She encourages the Government to extend a standing invitation to the special procedures of the Human Rights Council.

## B. National level

### 1. Fight against impunity: national reconciliation process

14. In 2008, the Special Rapporteur encouraged the authorities to establish a truth, justice and reconciliation commission, and to include all victims, to provide victims, witnesses and perpetrators with adequate protection, to address violations committed against defenders, and to involve defenders fully in the reconciliation process.[4]

15. The Truth, Justice and Reconciliation Commission was established in 2009; it delivered its final report and recommendations in 2012. The establishment of and work done by the Commission was an important step towards addressing impunity for past violations and paving the way for national reconciliation.

16. During her follow-up visit, the Special Rapporteur was pleased to note that civil society was fully involved in the process, including through the work done by the Commission. Today, victims and society eagerly wait to see the effective implementation of the recommendations made by the Commission, and to forward in the reconciliation process.

### 2. Judicial system

17. In 2008, the Special Rapporteur underlined the efforts made by the authorities to strengthen the judicial system through the five-year reform programme, which was intended to address major shortcomings, including the lack of independence of the judiciary, access to justice and capacity of magistrates. She expressed her concern at reports of indirect and direct intimidation of magistrates in rural areas and nepotism in the nomination and promotion of magistrates.[5]

18. During the follow-up visit, the Special Rapporteur observed that important challenges remained before the judicial system, including the above-mentioned issues. She took note of the information provided by the authorities about the adoption of the Statute of Magistrates, the law on legal aid, the setting-up of a training centre for justice professionals (centre de formation des professions de justice (CFPJ)), the construction of new prisons, and the creation of new jurisdictions. She welcomes the information, which indicated that a study on access to justice was being conducted.

19. With regard to the independence of the judiciary, the Special Rapporteur noted the creation of the Superior Judicial Council and the General Inspectorate of Judicial Services. She was pleased to learn about initiatives to improve the working conditions of judges at the Supreme Court level, and to strengthen their capacities and access to necessary resources.

20. During her visit, however, the Special Rapporteur noted that the impact of the reform programme implemented between 2006 and 2010 was perceived as insufficient. The independence of the judiciary, access to justice, and impunity for human rights violations

[4] A/HRC/10/12/Add.2, paras. 12, 109 and 111.

[5] Ibid., paras. 41-45.

were raised as some of the main difficulties in the transition and democratization process, as well as for the work of human rights defenders. Testimonies and reports indicated that impunity was widespread, and that legal proceedings against certain perpetrators, in particular State security forces, were rare, and that these actors enjoy almost total immunity for wrongful acts.[6]

21. The Special Rapporteur believes that the strengthening of the judiciary and the fight against impunity should continue to be a priority for the Government and international donors.

### 3. Freedom of opinion and expression

22. During her visit in 2008, the Special Rapporteur expressed concern at the instances of intimidation and harassment against the media, and the illegitimate restrictions on the freedom of expression of those working on human rights issues.[7] She also warned about the lack of professionalism of certain media and advised journalists to enhance the credibility of their profession by raising the standards of their work.[8]

23. During the follow-up visit, the Special Rapporteur expressed her concern that defamation was an offence in the Criminal Code (art. 58) that carried heavy penalties, including fines. She moreover received information indicating that articles 82 and 95 of the Press and Communications Code (1998) were being used against journalists who reported on corruption cases. According to article 82, those found guilty of broadcasting and publishing any information "at variance with reality" with the aim of "manipulating the conscience or misrepresenting information or acts" or any reproduction by a national media house or broadcasting of "news contrary to reality", whether published or broadcast by foreign media, are punishable by steep fines and even temporary suspension of their publishing or broadcasting licence. Article 95 envisages a large fine for defamation, including against public officials, in connection with articles 90 and 91.

24. The Special Rapporteur reiterates that the criminalization of defamation has a chilling effect on freedom of expression, as it can lead to self-censorship by certain defenders, particularly journalists. It can unduly restrict the exercise of a fundamental right and contribute to the stigmatization of the work of the media and journalists. The criminalization of defamation may also lead to a considerable reduction in the space available to exercise the fundamental right to freedom of expression, which plays a key role in claiming other rights.

25. The Special Rapporteur recommends that defamation be repealed from criminal jurisdiction and be handled in civil jurisdiction, with penalties that are proportionate to the harm done. Such an act would be in accordance with the spirit of article 19 of the International Covenant on Civil and Political Rights and article 6 of the Declaration on Human Rights Defenders.

26. The High Authority for Broadcasting and Communications (HAAC) is an independent institution charged with guaranteeing the protection and freedom of the press. It may grant installation and broadcast licenses to private television channels and radio stations. It elects its own president, vice-president and rapporteurs.

27. After her first visit in 2008, the Special Rapporteur raised concerns about the lack of clarity regarding the guiding procedures of the Authority, and pointed out that, in a number

[6] A/HRC/WG.6/12/TGO/2, para. 47.
[7] A/HRC/10/12/Add.2, paras. 81-87.
[8] Ibid., para. 88.

of instances, it had arbitrarily sanctioned journalists during the exercise of their right to freedom of opinion and expression.[9] The Special Rapporteur felt the need to stress that, although certain Togolese journalists lacked professionalism, she believed that, when reviewing journalists' work, the Authority had to strike a balance between freedom of expression and ethics.[10]

28. Although relations between the Authority and the media have been tense for some time, they have reportedly intensified since 2008. The powers of the Authority were reviewed in 2009 after the National Assembly voted to amend Law No. 2004-021. The amended law provided that the Authority could seize the competent judicial authority and request it to, inter alia, "make final withdrawal of licence with seizure of equipment" and "suspend a newspaper from appearing on the stands for six months, in addition to the withdrawal of its press card" (art. 63). The law granted the Authority the prerogative to "organize hearings for media practitioners who may have committed serious offences" (art. 67).

29. In 2011, the Human Rights Committee expressed its concern at what it considered unjustified restrictions to freedom of expression by HAAC, and recommended that the Government take all measures necessary to ensure its independence and impartiality.[11]

30. In February 2013, the organic law governing the functioning and attributions of HAAC was again amended to extend its regulatory and disciplinary powers (arts. 26, 30-31, 57-58, 60, 62-63, 67), including of its President (art. 64). It appears that main stakeholders, in particular the media, were not consulted about the modifications. The changes have reportedly afforded the Authority disciplinary powers that do not have to be sanctioned by the courts. The Administrative Chamber of the Supreme Court is defined as the only and last court of resort (art. 65) without option to appeal its decisions.

31. Two days after the introduction of the above-mentioned amendments, the President of Togo requested the Constitutional Court to review some of the problematic provisions introduced. In March 2013, the Constitutional Court issued a decision in which it established that certain provisions of the new law on HAAC were unconstitutional, including articles 58, 60 (points 5 and 6), 62 (last point); 63 (points 3 and 4), 64 and 67.

32. The Special Rapporteur considers that the above-mentioned amendments to the law on the functions and powers of HAAC may be a reaction to the deterioration of the environment in which the media operate. Nonetheless, while regulation by a strong and independent body might be at times necessary, the Special Rapporteur believes that self-regulation is an option that should be considered. This would allow the media and journalists themselves to be engaged actively in restoring credibility to their profession.

33. In this context, the Special Rapporteur believes that the role, functions and capacities of the Togolese Media Observatory, established by journalists in 1999, could be strengthened. She was pleased to learn from the Government that HAAC was currently working with the Observatory on a protocol to facilitate co-regulation. In this process, media and journalists should be supported by all stakeholders.

### 4. Freedom of peaceful assembly

34. In 2008, the Special Rapporteur was informed that the exercise of the right to freedom of peaceful assembly was problematic. According to the Act on Freedom of Association and Assembly of 1901, the exercise of this right is governed by a regime of

[9] Ibid., paras. 57-60.
[10] Ibid., para. 88.
[11] CCPR/C/TGO/CO/4, para. 20.

notification: organizers were required to inform law enforcement authorities of a planned demonstrations, permission for which may refuse if the demonstration is considered a threat to law and public order. The Special Rapporteur reported on certain cases where the exercise of this fundamental freedom had been problematic.[12]

35. The new law adopted in 2011 establishing the conditions for the exercise of the right to freedom of peaceful assembly significantly improved and clarified the framework governing the exercise of this basic freedom. The law applies to peaceful public gatherings, with the exception of private demonstrations and spontaneous gatherings. It establishes a regime for notifying the authorities, and requires that detailed information about the nature of the gathering and the organizers be submitted to relevant authorities in charge of the territorial administration at least five days beforehand.

36. Article 17 of the 2011 law forbids demonstrations in public places between 10 p.m. and 6 a.m. Article 23 envisages the possibility of challenging the decision of relevant administrative authorities if considered to be an abuse of power, in which case the Administrative Chamber of the Supreme Court may be seized (art. 24).

37. The Special Rapporteur welcomes this new development and the fact that the law meets international standards. She nonetheless recalls that any blanket ban or restriction (in this case in relation to time) could be regarded as an "intrinsically disproportionate and discriminatory measure" as defined by the Special Rapporteur on the rights to peaceful assembly and association.[13]

38. In the above connection, the Special Rapporteur draws attention to certain best practices highlighted by the Special Rapporteur on the rights to peaceful assembly and association,[14] including that notification requirements should be subject to a proportionality assessment, not unduly bureaucratic and be required (ideally) only for large meetings or those which may disrupt traffic. If organizers fail to notify authorities, they should not be penalized and spontaneous gatherings should be allowed. In addition, administrative officials receiving notifications should be regularly subject to oversight and benefit from targeted training to ensure that the exercise of this right is not subject to arbitrary restrictions.

39. During her follow-up visit, the Special Rapporteur learned about some instances where the excessive use of force by the police against participants in peaceful assemblies had led to casualties. The tragic incident in Dapaong in April 2013, where two students died following the intervention of the police during a peaceful demonstration in support of a teachers' strike, was brought to her attention. In the light of that incident, she recommends that the police and law enforcement personnel continue to be trained in crowd control and be properly equipped to handle protests.

40. The Special Rapporteur was also informed about violent acts committed by demonstrators, particularly around elections. In this regard, she underlined the importance that defenders remain peaceful at all times when exercising the right to freedom of peaceful assembly. They should assist in monitoring demonstrations, ensuring that those who demonstrate do it peacefully. The violent acts of some demonstrators should not, however, detract from the essentially peaceful nature of demonstrations.[15]

41. The Special Rapporteur also reiterates the recommendations made by the previous mandate holder, that the monitoring of assemblies can provide an impartial and objective

[12] A/HRC/10/12/Add.2, paras. 77-80.
[13] A/HRC/20/27, para. 39; A/HRC/23/39, para. 63.
[14] See A/HRC/20/27, paras. 24-50.
[15] Ibid., para. 25.

account of events, including a factual record of the conduct of both participants and law enforcement officials; the very presence of human rights monitors during demonstrations may deter human rights violations. Human rights defenders should therefore be able to operate freely in the context of freedom of assembly.[16] The Special Rapporteur believes that defenders would benefit from training on monitoring demonstrations, as well as on documenting and reporting on related human rights violations.

### 5. Freedom of association and labour rights

42. After her visit in 2008, the Special Rapporteur raised the issue of registration certificates and the excessive delays in obtaining them.[17] During her follow-up visit, she found that the situation had improved, although she was informed that there was still no framework to regulate the establishment and functioning of networks or coalitions.

43. The Special Rapporteur believes that the existing legal framework governing the right to associate freely should be reviewed with a view to move towards a modern regime of notification where organizations are not required to register with the authorities in order to be able to operate. The notification procedure should be clearly established by law, and not be burdensome or costly. During her previous visit, the Special Rapporteur was pleased to note that discussions on adopting a law relating to the organization and functioning of civil society organizations were under way.

44. During her follow-up visit, the Special Rapporteur learned about the environment in which trade unions operate, including the exercise of the right to collective bargaining and to strike, an issue that had not been raised during her first visit. The right to freedom of association is enshrined in article 39 of the Constitution; Act 2006-10 of 13 December 2006 on the Labour Code reaffirms this right. Article 9 of the Labour Code prohibits employers from applying pressure in support or against trade union organizations, while articles 256 et subsequent articles recognize the right to strike only if all other avenues for amicable settlement have been exhausted.[18]

45. After having held meetings with relevant authorities and trade unions, the Special Rapporteur was able to conclude that, while progress had been made in recent years with regard to the current legal framework, trade unions and those claiming labour rights face important challenges, including serious restrictions on the right to associate freely and the right to strike by companies in the export processing zone. According to reports available, companies operating in the export processing zone were until recently exempt from certain provisions of the Labour Code regarding the recruitment and individual and collective dismissal of workers, mediation and labour conflict resolution, and the classification of professional categories.[19]

46. The Special Rapporteur welcomes the efforts made to harmonize the regulatory framework for labour in the export processing zone with existing national legislation. In addition, three unions have been created to defend the rights of workers in the free zone.

47. The Special Rapporteur emphasized that the right to claim for the respect and exercise of basic labour rights should be protected. Unions members should be able work in

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[16] A/62/225, para. 91.

[17] A/HRC/10/12/Add.2, paras. 74-76.

[18] A/HRC/WG.6/12/TGO/1, paras. 53-56.

[19] Ibid., para.59. See also the submission by the Commission for the universal periodic review of Togo (available from http://lib.ohchr.org/HRBodies/UPR/Documents/session12/TG/CNDH-CommissionNationaleDroitsHomme-fr.pdf), para. 23.

a conducive environment, particularly in the export processing zone, where they can perform their activities without fear of any form of intimidation or harassment.

### 6. Ministry for Human Rights and the Consolidation of Democracy

48. In 2008, the Special Rapporteur highlighted the work and role played by the Ministry for Human Rights and the Consolidation of Democracy. She referred to the four-year national plan of action for the promotion and protection of human rights and the civil society unit established within the Ministry as positive aspects. She warned, however, about the Ministry's lack of resources to fulfil its mandate and the absence of awareness-raising activities about the Declaration on Human Rights Defenders.[20]

49. During her follow-up visit, the Special Rapporteur was pleased to learn that civil society was regularly consulted by the Ministry and that the universal periodic review process had brought authorities and civil society together. She was informed by the authorities that, as a result of this experience, relations between the Ministry and civil society would be formalized.

50. The Special Rapporteur was, however, disappointed to discover that the national plan of action had not been implemented owing to lack of funding, although some activities had been carried out with the support of the United Nations Development Programme and OHCHR. She also expressed her concern at the fact that the civil society unit within the Ministry continued to lack the necessary human and financial resources to conduct properly its activities, including the capacity-building of defenders and their own staff. She noted the feedback received from non-governmental organizations indicating that the unit had been "somewhat inactive"; indeed, some of them were not even aware of its existence.

51. The Special Rapporteur learned that the Ministry for Human Rights will be facilitating the work of the High Commissioner for National Reconciliation and Strengthening of National Unity, a role established following the adoption of Decree No. 2013-040/PR on 4 May 2013. The High Commissioner will be responsible for implementing the recommendations of the Truth, Justice and Reconciliation Commission. The Special Rapporteur hopes that the Commission will be able to carry out its work effectively and independently, with the necessary resources.

### 7. National Human Rights Commission

52. As a result of her visit in 2008, the Special Rapporteur welcomed the mediating role played by the National Human Rights Commission and the fact that it was in the process of establishing a focal point for defenders, something that she considered a best practice to be replicated elsewhere. She warned about the chronic lack of funding of the Commission and the lack of visibility within the State apparatus and parts of civil society.[21]

53. In May 2013, the Commission was reaccredited with A status by the International Coordinating Committee of National Human Rights Institutions, with some recommendations made by the Subcommittee on Accreditation.

54. With regard to funding, the Subcommittee deemed the Commission's budget to be inadequate for effective operation and for it to perform its core functions. Furthermore, the Subcommittee noted that the Commission did not prepare its budget; it is actually prepared by the Ministry of Finance, and disbursed on a monthly basis. The Subcommittee was of

[20] A/HRC/10/12/Add.2, paras. 27-32.

[21] Ibid., paras. 46-56.

the view that such an arrangement could restrict the Commission's capacity to plan and carry out long-term projects.

55. The Subcommittee noted that two posts of Commissioner had been vacant since November 2012. It also noted that, of the 17 members, only the position of Chairperson was full-time and that 25 per cent of employees were seconded, including to senior positions. The Subcommittee recommended that vacant position be filled, that full-time positions be provided for, and that staff be selected through an open, transparent and merit-based system. Such measures would promote stability and enable the institution to discharge its mandate effectively.

56. As the Special Rapporteur has already pointed out, national human rights institutions should have broad and solid mandates and be adequately equipped so that they can be autonomous and independent. In this context, she strongly recommends that national institutions be adequately resourced and be able to propose and manage their own budgets independently.[22]

57. Further to the ratification of the Optional Protocol to the Convention against Torture on 20 July 2010, the Government of Togo designated the Commission to host the National Preventive Mechanism. Subsequently, the Commission's enabling legislation and organizational structure was reviewed, taking into account the Mechanism's requirements and the recommendations of the International Coordinating Committee following the review of the Commission in May 2013. The Special Rapporteur trusts that the draft legislation currently under preparation will take into account the inputs and comments of relevant stakeholders.

58. During the follow-up visit, the Special Rapporteur met with the members of the Commission. She considers that the framework for engagement with defenders is not well established, and that the Commission operates on the basis of bilateral meetings and partnerships. The focal point for defenders has been set up and is operational, which she considers positive. She is, however, concerned at information indicating that defenders are sceptical about the role of the focal point. She was also discouraged to learn that defenders do not always report their issues to the Commission owing to a lack of trust in the institution and, generally, the State apparatus. The Special Rapporteur believes that the focal point should be fully institutionalized within the Commission to make it operational and effective.

59. The Special Rapporteur also expressed her concern at the situation created following the publication by the Commission of a report on allegations of torture and ill-treatment on the premises of the National Security Agency in February 2012. The report was commissioned by the Minister for Justice to investigate the allegations concerning persons involved in the coup d'état in 2009. According to the information received during the follow-up visit, the findings of the report were partially contested by the Government.

60. The Special Rapporteur was informed that, the President of the Commission, Koffi Kounté, fearing for his life, fled left the country several days after the publication of the report and is still abroad. The Commission has been following the implementation of the recommendations made in the report.

61. The Special Rapporteur is very concerned about the above-mentioned events and the current situation of the former head of the Commission. She urges the authorities to take the measures necessary to ensure that Mr. Kounté and his family are safe and that he may return safely, if he wishes to do so.

[22] A/HRC/22/47, paras. 64 and 116.

# IV. Situation of human rights defenders

62. In 2008, the Special Rapporteur regretted the fragmentation of civil society and expressed her concern at the stigmatization of its work by some authorities. She referred to a climate of mistrust between authorities and defenders, and recommended that the Government take action to end stigmatization and to enhance the capacity of defenders. She also recommended that defenders end fragmentation among themselves and improve coordination to strengthen their protection, particularly outside the capital. She urged both the Government and the community of defenders to recognize the work of women defenders, and to empower them.[23]

63. During her follow-up visit, the Special Rapporteur noted that the environment in which defenders work in Togo continues to be highly polarized and politicized, as she had observed in 2008. During her visit, she was informed about an initiative taken by groups of defenders to engage actively in political activities during the 2013 parliamentary elections by contributing to the establishment of Collectif Sauvons le Togo (see para. 8 above). In the view of the Special Rapporteur, the initiative has actually undermined the environment in which defenders work and has, unfortunately, strengthened the current trend of authorities and certain media outlets to stigmatize their work by branding them as "political opposition".

64. In this context, the Special Rapporteur called upon defenders and other actors to work in an impartial, independent and objective way. Civil society working on human rights issues should monitor the activities of the State and its obligations, and document and report objectively on violations. She was reassured by the fact that defenders were aware of this role and that some groups were already working to re-establish the credibility of that role. Defenders should be supported in this process.

65. The Special Rapporteur also considered the situation of certain groups of defenders with regard to her first visit in 2008, such as women defenders and those working for the rights of women, journalists and media workers. She also learned about the situation of other groups of defenders, including those working for the rights of lesbian, gay, bisexual and transgender persons.

## A. Women human rights defenders and those working for the rights of women

66. In 2008, the Special Rapporteur highlighted the plight of women defenders and noted the particular difficulties of women working in rural areas and the attitude of some local authorities regarding their work. Women defenders were vulnerable to criticism and ostracism in their own families and communities, and lacked the necessary resources and synergies to work effectively. The Special Rapporteur recommended that the Government recognize their role and remove obstacles to their legitimate work.[24] During the follow-up visit, she observed important progress in the environment in which women defenders work, including in relevant legislation, the establishment of the Ministry for the Promotion of Women in 2010 and the adoption of a national policy on gender equality and equity in 2011.

67. The Special Rapporteur also received reports of a significant change in the authorities' perception of the role of women defenders and their attitude towards them. She

[23] A/HRC/10/12/Add.2, paras. 61-66 and 96-119.

[24] Ibid., paras. 67-73.

was pleased to learn that networking among women defenders had improved in recent years, which had helped to make their work more visible and effective. The Special Rapporteur believes these are positive developments that should be acknowledged, and welcomes the Government's commitment to addressing gender inequalities and combating stereotypes.

68. Regarding the environment in which women defenders work, however, the Special Rapporteur believes that the challenges still outweigh the successes, particularly the adverse social attitudes, cultural practices and perception of the work of women defenders and those who work for the rights of women. As the Committee on the Elimination of Discrimination against Women underlined in 2012, patriarchal attitudes and deeply-rooted stereotypes about the role of men and women in family and society still persist.[25] In this context, women defenders are still too often seen as "trouble makers" because of their activism, particularly if they work on sexual and reproductive rights, and also branded as "home-breakers" and "difficult" women.

69. Another endemic problem faced by women defenders and those who work for the rights of women is the scarcity of resources necessary to have a real impact on the ground. The Special Rapporteur remains concerned about the challenging situation of those working in rural areas, given that they operate in remote locations and are often more exposed to pressure from family, the authorities and society without the support of networks.

70. The Special Rapporteur urges the authorities to continue to support and acknowledge the work of women defenders, and to remove the obstacles to their work, including by redressing gender inequalities and combating social stereotypes.

## B. Journalists and media workers

71. During her first visit, the Special Rapporteur expressed her concern at the intimidation and harassment of the media and the illegitimate restrictions on freedom of expression of those working on human rights issues (see paragraphs 22 and 23 above). During the follow-up visit, the Special Rapporteur was concerned to see that the environment in which the media operate seems to have worsened and is even more polarized than in 2008. Media outlets and journalists work in a highly politicized environment in which viewpoints are easily associated with political opinions and even parties. Free journalism is very young and not always exercised with enough professionalism or respect for basic ethical and deontological principles. Some newspapers publish photographs of persons arrested or in handcuffs, sometimes accompanied by declarations of guilt given by the police,[26] in violation of the basic principle of the presumption of innocence. It should neither be tolerated by the authorities nor practised by the media.

72. News continues to be reported with a high degree of sensationalism and little apparent capacity to engage in investigative, professional journalism. This makes it all too easy for certain authorities and other stakeholders to brand the media and journalists as politically motivated and to discredit their work. In this connection, the Special Rapporteur welcomes recent discussions on freedom of expression facilitated by OHCHR Togo, leading some journalists to reconsider their role and conditions overall.

73. The Special Rapporteur received testimonies of continued harassment and intimidation of journalists who work on human rights-related issues, report information of

[25] CEDAW/C/TGO/CO/6-7, para. 20.
[26] A/HRC/WG.6/12/TGO/3, para. 39.

cases of corruption of Government officials or publically criticize the Government. Some of them have faced criminal lawsuits for defamation or charges under the Press and Communications Code.

74. In 2010, the Head of State filed defamation suits against three press organizations (*Freedom, L'Independant Express* and the weekly *La Laterne*) for publishing information denouncing corruption within the State apparatus. They were charged with "spreading false news", "defamation" and "attack on honour", offences under the Criminal Code and the Press Code. Later that year, the complaints were withdrawn and the cases were closed.

75. In November 2010, three independent radio stations based in Lomé (X-Solaire, Metropolys and Providence) that generally report on human rights issues were shut down by the Post and Telecommunications Regulatory Authority on the grounds that they did not possess licenses for the frequencies they were assigned to and for "equipment and premises that do not comply with standards in force".

76. The Special Rapporteur is concerned that the above-mentioned actions could unduly restrict the exercise of a fundamental right in a democratic and pluralistic society, and stigmatize the work of the media and journalists, which play a key role in the defence and promotion of human rights. She recalls that free and independent media are an indicator of a healthy and open democracy, where constructive criticism and thorough analysis of public affairs is encouraged. In this connection, she reaffirms the spirit of article 6 of the Declaration on Human Rights Defenders.

## C. Defenders working for the rights of lesbian, gay, bisexual and transgender persons

77. The lesbian, gay, bisexual and transgender (LGBT) community is a new group that the Special Rapporteur identified during her follow-up visit. Many of those working on LGBT issues have only organized themselves in recent years, often around HIV-AIDS and other health-related issues. The working environment for defenders is often difficult and hostile owing not only to pressure from society and families but also the existing legal framework.

78. The Special Rapporteur was informed that one important element contributing to this difficult environment is that same-sex relations between consenting adults are, under article 88 of the Criminal Code, a criminal offence punishable by one to three years of imprisonment and a fine.[27] Mindful of the fact that this legal provision has not been used for a number of years, the Special Rapporteur concurs with the Human Rights Committee and other United Nations experts,[28] and believes its mere existence goes against established international human rights standards and may unduly infringe upon, inter alia, the right to privacy, the right to health and the right not be to discriminated against. She also believes that the criminalization of sexual relationships between consenting adults can further stigmatize those advocating for the rights of LGBT persons and make them more vulnerable to pressure and attacks, as experience in other countries in the region has shown.

79. The Special Rapporteur also expresses her concern at the use of certain legal provisions by law enforcement officials without proper investigation of facts in the case of unsubstantiated accusations against defenders and activists. She was informed that some activists have faced accusations of rape and abuse of minors that have not always been properly investigated by the police owing to the prevailing stigma surrounding the work of

[27] CCPR/C/TGO/CO/4, para. 14.

[28] See A/HRC/14/20, paras. 6-16.

these defenders, assumptions about their sexual orientation and deeply-rooted discriminatory attitudes and stereotypes.

80. This group of defenders also faces threats, intimidation and harassment in their own communities in connection with their activities and their own sexual orientation. Such incidents are not always reported for fear of criminal charges and social stigma. The coverage of the issue by certain media seems to have contributed to exposing these defenders to more risks.

81. The Special Rapporteur urges the authorities to do their utmost to ensure that defenders may work in a safe and enabling environment, publically support their work, and consider revising the relevant legal framework.

# V. Conclusions and recommendations

## A. Conclusions

**82. The Special Rapporteur welcomes the progress made in the environment in which defenders work, including the important steps taken to address impunity for past violations and foster national reconciliation, the efforts to strengthen the judiciary, and to support the work of women defenders by redressing gender inequalities and combating social stereotypes. She was also pleased to note that authorities and civil society have found a common space for constructive engagement in human rights issues.**

**83. Some important challenges observed by the Special Rapporteur during her visit in 2008, however, remain. They include the implementation of the legal framework governing fundamental freedoms, in particular freedom of expression and peaceful assembly; the role and situation of certain key institutions, such as the High Authority for Broadcasting and Communications and the National Human Rights Commission; and the excessive polarization of the environment in which defenders work.**

**84. The Special Rapporteur appreciates the important role played by the National Human Rights Commission in the transition and consolidation of democracy and for the respect and promotion of human rights in Togo. She was, however, concerned to learn that certain groups of defenders had lost their confidence in the institution.**

**85. The Special Rapporteur noted that defenders worked in a highly politicized environment. She believes that efforts are required to regain focus and to ensure that work is conducted in an impartial, independent and objective manner.**

## B. Recommendations

**86. The Special Rapporteur recommends that the Government of Togo:**

**(a) Expedite the ratification of United Nations international treaties to which the State is not yet a party, consider ratifying the Rome Statute, and consider extending a standing invitation to special procedures of the Human Rights Council;**

**(b) Raise awareness about the Declaration on Human Rights Defenders and publically acknowledge the importance of the role of defenders, particularly women defenders;**

**(c) Improve on the processes and time frames within which laws are made and amended, and, in this context, ensure that the reform of the Penal Code is expedited and implemented fully;**

**(d) Ensure that the recommendations of the Truth, Justice and Reconciliation Commission are implemented, and allocate the resources necessary for this task to the High Commissioner for National Reconciliation;**

**(e) Continue to strengthen the judicial system, in particular the independence of the judiciary, access to justice, access to necessary infrastructure and resources, and the fight against impunity;**

**(f) Ensure that defamation is only punishable under civil law, and that compensation is proportionate to the harm done;**

**(g) Consider reviewing the framework governing the right to associate freely with a view to modernize it, including with regard to the establishment of networks and coalitions;**

**(h) Ensure full independence and effectiveness of the High Authority for Broadcasting and Communications;**

**(i) Ensure that the National Human Rights Commission is adequately equipped to ensure its own autonomy and independence, and is able to properly fulfil its duties as the national preventive mechanism; in this connection, ensure that the Commission is adequately resourced and able to propose and manage its own budget independently, and that its focal point for defenders is fully institutionalized;**

**(j) In connection with the above, ensure that the recommendations made by the National Commission contained in its 2012 report on torture are implemented; that those considered responsible for such acts are brought to justice; and that the necessary measures to ensure that Koffi Kounté and his family are safe and he may return safely, if he sowishes, are taken;**

**(k) Consider allegations and reports of violence, intimidation and harassment on human rights defenders, conduct prompt and impartial investigations accordingly and hold perpetrators accountable;**

**(l) Continue training the police and security forces in crowd control and human rights standards, including in the proportionate use of force and the role of defenders;**

**(m) Ensure that defenders can work in a safe and enabling environment, in particular women and those working for the rights of LGBT persons, by removing obstacles to their work and amending relevant legislation;**

**(n) Ensure that labour rights, including collective bargaining and the right to strike, can be exercised without undue restrictions or intimidations of any kind.**

87. **The Special Rapporteur recommends that the High Authority for Broadcasting and Communications:**

**(a) Exercise regulatory powers with due diligence and attention to the balance between ethics and the right to freedom of opinion and expression;**

**(b) Consider strengthening existing self-regulatory mechanisms with a view to involving journalists and the media in the exercise of this function;**

**(c) Ensure that journalists and the media are supported and trained in basic deontological principles of the profession.**

88. **The Special Rapporteur recommends that the National Human Rights Commission:**

**(a) Implement the recommendations of the Subcommittee on Accreditation of the International Coordinating Committee of National Human Rights Institutions with regard to strengthening the independence and effectiveness of the institution;**

**(b) Do its utmost to regain the confidence of human rights defenders and be a strong, independent institution capable of credible and impartial scrutiny of the State's human rights obligations;**

**(c) Consider fully institutionalizing the focal point for defenders in order to give it prominence within the institution;**

**(d) Review the framework of engagement with defenders with a view to formalizing a mechanism for effective and participatory interaction with them;**

**(e) Raise awareness about the existence of a focal point for defenders in the National Human Rights Commission, and ensure that the views of defenders are taken into account;**

**(f) Ensure responsiveness and accessibility of the institution for all citizens, and engage actively with all groups of human rights defenders, in particular those working on women's rights and against discrimination on the basis of sexual orientation and gender identity.**

89. **The Special Rapporteur recommends that human rights defenders:**

**(a) Conduct their work professionally in order to hold the State to account, and maintain dialogue with the authorities to foster the protection and promotion of human rights;**

**(b) Strengthen existing networks and ensure that they function effectively, in both urban and rural areas;**

**(c) In the case of journalists and media professionals working on human rights issues, carry out their work by observing professional ethics and deontological principles;**

**(d) Ensure the dissemination of information about the Declaration on Human Rights Defenders and the role of defenders at the domestic level;**

**(e) Ensure that demonstrations are held peacefully and are properly monitored, and that violations are documented and reported.**

90. **The Special Rapporteur recommends that the United Nations and the international community:**

**(a) Continue to support the transition and democratization process in Togo, in particular the strengthening of the justice sector;**

**(b) Continue to support the consolidation of civil society and human rights defenders in the country, in particular by building their capacity to carry out their work more effectively.**

# Annex

## Status of implementation of recommendations, and observations

| Recommendations made by the Special Rapporteur following her mission to Togo in 2008 (A/HRC/10/12/Add. 2) and status | Situation and developments as at 2013 as reported by the Government and non-governmental organizations |
|---|---|
| **A. Context** | |
| The Truth and Reconciliation Commission should not exclude any victims of political violence; the Government should ensure the security of witnesses, victims and alleged perpetrators (para. 12 (c) and (d)) | **Government**: National consultations registered more than 18,000 requests; audiences were organized during which all stakeholders, including defenders, were interviewed. Report of April 2012 on the consultations led to establishment of post of High Commissioner for National Reconciliation and Strengthening National Unity. |
| The Commission must address seriously and thoroughly all violations committed against defenders (para. 109) | **NGOs**: Intention to protect witnesses was present but was undermined by lack of resources. Still awaiting implementation of recommendations. |
| Recommended that the Government involve human rights defenders in reconciliation process (para. 111) | **NGOs**: Most respondents felt that they had been fully involved in reconciliation process. |
| Recommended that the Government fully involve human rights defenders in monitoring of the 2010 presidential elections (para. 112) | **Government**: Elections were transparent and peaceful. All stakeholders, including human rights defenders, were involved, and received training. |
| | **NGOs**: Most respondents felt that they had been fully involved in monitoring of elections, thereby allowing them to be held without major incidents. |
| **B. Institutional framework** | |
| **1. Ministry for Human Rights and the Consolidation of Democracy** | |
| Four-year national plan of action and programmes for promotion and protection of human rights under the Ministry for Human Rights and the Consolidation of Democracy reportedly had NGOs as prime partners in advancing plan (para. 29) | **Government**: Finances not obtained for implementation, although authorities conducted some actions thanks to external support. Authorities currently preparing plan for implementation of universal periodic review recommendations for submission to development partners. |
| | **NGOs**: Some claim plan was consolidated only recently, others argue that civil society is always consulted in such situations. Some respondents believe that protection should not come under a political institution. |
| Civil society unit established within the Ministry was mandated to design a consultation framework with representatives of civil society, to provide legal | **Government**: Through the universal periodic review process, collaboration with civil society was significantly strengthened. Authorities are |

| Recommendations made by the Special Rapporteur following her mission to Togo in 2008 (A/HRC/10/12/Add. 2) and status | Situation and developments as at 2013 as reported by the Government and non-governmental organizations |
|---|---|
| assistance to defenders and to seek, whenever possible, the involvement of defenders in activities for the promotion of human rights. To this end, periodic meetings were held with defenders to assess partnership (para. 30) | now formalizing relations.<br>**NGOs**: General agreement that unit has been somewhat inactive and not very effective. Some respondents not aware that unit existed. |
| The above-mentioned unit had not undertaken activities to raise awareness about Declaration on Human Rights Defenders (para. 30) | **NGOs**: Information confirmed by some respondents. |
| Interministerial committee was tasked with drafting reports for treaty bodies and universal periodic review. Committee acknowledged a reporting backlog owing to lack of training of its members (para. 31) | **NGOs**: Respondents submitted information for universal periodic review of Togo. Some state that current backlog is organizational rather than financial. |
| Lack of resources of prevent it from fulfilling its mandate (para. 32) | **NGOs**: A question of priorities for the Government, and restrictive funding. Some believe that European Union and United Nations could contribute. |
| Recommended that the Government strengthen capacity and visibility of the Ministry and of the National Human Rights Commission (para. 102) | **NGOs**: Little information provided by respondents, although one was aware that recommendation was made during universal periodic review; another referred to forced exile of the president of the Commission. |
| Recommended that the Government support financially the four-year national plan of action and programmes of promotion and protection of human rights elaborated by the Ministry (para. 103) | **NGOs**: Respondents either had no information or stated that recommendation had not been implemented. |
| **2. Law enforcement authorities** | |
| No specific training for security forces on work of human rights defenders and the Declaration on Human Rights Defenders (para. 33) | **NGOs**: A number of training initiatives for army (rather than for the police) had been organized, although not specifically on defenders. |
| No specific training for Togolese soldiers serving in United Nations peacekeeping missions on work of human rights defenders and the Declaration on Human Rights Defenders (para. 34) | **NGOs**: Little or no relevant information available. |
| Recommended that the Government sensitize the police, gendarmerie and military officers and judicial and prosecution officials on role and activities of human rights defenders and National Human Rights Commission (para. 104) | **NGOs**: Disagreement on whether recommendation had been implemented. |
| **3. Judicial system** | |
| Five-year reform programme of judicial system (2006-2011) to address shortcomings, including lack | **Government**: Process of modernizing the judicial system is near completion. A study on access to |

| Recommendations made by the Special Rapporteur following her mission to Togo in 2008 (A/HRC/10/12/Add. 2) and status | Situation and developments as at 2013 as reported by the Government and non-governmental organizations |
|---|---|
| of independence of judiciary, access to justice by citizens and capacity of magistrates (paras. 41-42) | justice is also under way.<br>**NGOs**: Some progress made. All agreed that lack of independence of judiciary still a major problem. |
| Reports of direct and indirect intimidation of magistrates in rural areas and nepotism in nomination and promotion of magistrates (para. 44) | **Government**: These issues are being addressed through creation of Superior Judicial Council and General Inspectorate of Judicial Services.<br>**NGOs**: Respondents did not provide much information, although some claimed that posting to a rural zone is possibly a form of punishment for magistrates. |
| Magistrates and judicial officers lack training on the Declaration on Human Rights Defenders (para. 45) | **Government**: Centre de formation des professions de justice (CFPJ) takes Declaration into account in courses.<br>**NGOs**: No information available, or lack of precise information during training. Some mentioned CFPJ training. |
| **4. High Authority for Broadcasting and Communications** | |
| Lack of clarity regarding the guiding procedure of Authority (HAAC); cases of arbitrary sanctions of journalists exercising the right to freedom of opinion and expression (para. 60) | **NGOs**: Information confirmed. Some referred to unreliable journalism as possible reason behind decisions of HAAC. |
| Recommended that the Government ensure that HAAC lays out the criteria under which activities of organizations are assessed and that its actions are fair and transparent (para. 106) | **Government**: Some modifications made to improve operations of HAAC.<br>**NGOs**: Only some respondents confirmed modifications mentioned by the Government. |
| Recommended that HAAC, the Minister for Communication and other specialized institutions engage in capacity-building (in particular, training on journalist ethics) and confidence-building activities for journalists (para. 107) | **Government**: Training sessions are periodically held for journalists on ethics and professionalism.<br>**NGOs**: Some respondents confirmed Government reply, while others stated that training was only held during the electoral period. |
| **C. National Human Rights Commission** | |
| During meetings with NGOs, the National Human Rights Commission noted that members of civil society had requested the Commission to design a consultative framework, undertake joint activities with NGOs in campaigning, sensitizing and training (para. 51) | **Government**: Consultations are periodically held between civil society and the Commission.<br>**NGOs**: Disagreement over whether consultations had been held. |
| Commission has also acted as mediator in conflicts between defenders and law enforcement authorities, as well as the High Authority for Broadcasting and | **Government**: After the death of President Eyadema, the Commission travelled around the |

| Recommendations made by the Special Rapporteur following her mission to Togo in 2008 (A/HRC/10/12/Add. 2) and status | Situation and developments as at 2013 as reported by the Government and non-governmental organizations |
|---|---|
| Communications (para. 52) | country to investigate allegations of violations.<br><br>**NGOs**: Some confirmed information given by Government to a certain extent, stating also that a climate of distrust still existed and that there was no law on defenders. |
| Discussions within the Commission on establishing a focal point for human rights defenders under way (para. 53) | **NGOs**: No information available, or scepticism expressed about the role of the focal point. |
| A bill on the inclusion of references to the Declaration on Human Rights Defenders in national legislation being prepared by the Commission (para. 54) | **NGOs**: No information provided. |
| Commission suffers from chronic lack of funding (para. 55) | **NGOs**: Confirmed by all. Reports indicated that situation had worsened since the Kounté affair. |
| Commission lacks visibility within State apparatus and some parts of civil society. Widespread misconception of the role of the Commission by the State authorities and civil society noted (para. 56) | **NGOs**: Some reported that lack of visibility was due to lack of financing, but also possibly to lack of direction. |
| Recommended that the Government support bill calling on the inclusion of references to the Declaration on Human Rights Defenders in national legislation prepared by the Commission. The Ministry for Human Rights and the Consolidation of Democracy and the Parliamentary Human Rights Commission must support the law before the Parliament (para, 105) | **NGOs**: No relevant information provided, possible because bill had not been discussed in Parliament. |
| **D. Civil society** | |
| Civil society is largely fragmented and lacks coordination when advocating respect for human rights (para. 64) | **NGOs**: Some indicate that situation was mainly due to political divisions, although this was possibly changing. Others believed that the situation was the same, despite efforts to overcome divisions. |
| Defenders stigmatized as belonging to political opposition by some authorities, tribal leaders and segments of the population. This misperception is more acute in the capital, where it generates a climate of mistrust between authorities and defenders. Local authorities must be sensitized on the work of defenders (para. 65) | **NGOs**: Observation was confirmed by some respondents, who believed that efforts to sensitize need to be increased. Some referred to over-politicization of civil society organisations, which had worsened the situation. |
| Recommended that the Government take concrete steps to give legitimacy to human rights defenders, in the capital and in the regions, by dispelling stigmatization of accusations of affiliation to | **NGOs**: Some indicated that no steps had been taken in this regard, and that new legislation should be drafted. Others thought that civil |

| Recommendations made by the Special Rapporteur following her mission to Togo in 2008 (A/HRC/10/12/Add. 2) and status | Situation and developments as at 2013 as reported by the Government and non-governmental organizations |
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| political parties (para. 96) | society organizations should clarify their position. |
| Recommended that the Government continue to ensure that human rights defenders operate within a conducive environment (para. 97) | **Government**: Law on public demonstrations was adopted in 2011 in order to facilitate freedom of association. Discussions were under way on a law relating to the organization and functioning of civil society organizations.<br><br>**NGOs**: Disagreed with the Government. Some stated that the environment was already conducive, while others referred to threats and violations. |
| Recommended that the Government enhance the capacity of human rights defenders (para. 98) | **Government**: Human rights defenders' organizations were periodically trained on freedom of expression, the role of civil society and the recommendations made by the Truth, Justice and Reconciliation Commission.<br><br>**NGOs**: Information sessions should be held, which OHCHR Togo reportedly already does. |
| Recommended that human rights defenders end the fragmentation of their community and find a strong, single voice (para. 114) | **NGOs**: Agreed that more forums and round table discussions should be organized. |
| Recommended that human rights defenders improve coordinating networks aimed at strengthening the protection of defenders, particularly those outside the capital (para. 115) | **NGOs**: Defenders in rural areas should form a network, which existing networks would be ready to support. A project funded by the European Union to this end has existed since 2012. |
| Recommended that human rights defenders recognize the work of women human rights defenders, and empower them (para. 116) | **NGOs**: Technical and financial support for women's organizations should be strengthened. There were indications that women's organizations were being empowered. |
| Recommended that human rights defenders expand capacity among defenders in the capital and in the regions to make full use of existing national, regional and international human rights mechanisms and institutions (para. 117) | **NGOs**: Lack of finance, capacity and training were the main problems. Events had been organized to address the situation. |
| **E. Women defenders** | |
| Women defenders are vulnerable to criticism and ostracism among their own families and communities. They further encounter discrimination within organizations or trade unions they operate. (para. 70) | **NGOs**: Organizations are becoming sensitized and some believe the situation is improving, though others believe it remains the same. |
| The Special Rapporteur notes that it is increasingly difficult for women defenders to operate safely in rural areas. Local authorities seem to do little to | **NGOs**: Specific examples of violations are provided. One respondent notes that women in rural areas are cooperating and sometimes engage |

| Recommendations made by the Special Rapporteur following her mission to Togo in 2008 (A/HRC/10/12/Add. 2) and status | Situation and developments as at 2013 as reported by the Government and non-governmental organizations |
|---|---|
| investigate or prosecute the authors of threats and other acts of intimidation (para. 71) | in advocacy. |
| Other difficulties reported include scarcity of funding and resources for centres run by women defenders (para. 72) | **NGOs**: Scarcity of funding and resources is common throughout the country, not specific to centres run by women defenders. |
| Recommended that the Government recognize the legitimate work of women human rights defenders, acknowledge it as human rights work, ensure the removal of all obstacles that impede their work, and take proactive measures to support such work (para. 101) | **NGOs**: One respondent indicated that the Government solicits advice from women defenders more than others. Another reported that the Government had not taken any action on this recommendation. |
| **1. Right to freedom of association** | |
| Systematic delays by the Ministry of Territorial Administration in delivering registration certificates to NGOs. Without this certificate, NGOs have no access to funding, and cannot file a complaint before a court or operate outside the capital (para. 74) | **NGOs**: Four respondents reported persisting difficulties, while others indicated that the situation had improved somewhat. |
| Recommended that the Government speed up the delivery of registration certificate to NGOs, thereby facilitating their activities (para. 99) | **NGOs**: Some reported that the process was still slow, others that it had improved somewhat. |
| **2. Right to freedom of peaceful assembly** | |
| In accordance with the 1901 Act on Freedom of Association and Assembly, the right to peaceful assembly is governed by a regime of notification, which may be refused if the demonstration is considered a threat to law and public order (para. 77) | **NGOs**: Law no. 2011-010 was referred to as a positive development, although its application was problematic. Permission had been denied to hold assemblies, and some demonstrations had been met with police violence. |
| In Kpalimé, defenders raised concerns about the difficulty to organize demonstrations or public events; they reportedly need to seek the permission of the gendarmerie (para. 79) | **NGOs**: General agreement that, even under the new law, this remains a problem. |
| **3. Right to freedom of opinion and expression** | |
| Cases of assault and threats against journalists and illegitimate restrictions to the exercise of their right to freedom of opinion and expression by HAAC were reported during the visit in 2008 (paras. 82-87) | **NGOs**: According to most respondents, the situation had not improved. Some reported the closure of radio stations, cases of intimidation of journalists, violent repression of protests and the prerogatives of HAAC. One reported that the situation had greatly improved; the problem was that now journalists did not respect the parameters of professional conduct in their field. |
| Lack of professionalism of a number of Togolese journalists, who often cover news in a | **NGOs**: Some reported that the situation remains the same, and called for training for journalists |

| Recommendations made by the Special Rapporteur following her mission to Togo in 2008 (A/HRC/10/12/Add. 2) and status | Situation and developments as at 2013 as reported by the Government and non-governmental organizations |
|---|---|
| sensationalistic way; the Special Rapporteur therefore advised journalists to enhance the credibility of their profession by conducting investigative journalism (para. 88) | and media workers. |
| **4. Impunity** | |
| The question of impunity for violations committed against human rights defenders is a major concern (para. 89) | **NGOs**: The issue remains a major concern. Many respondents saw impunity as the rule, and justice as the exception. |
| Recommended that the Government make the fight against impunity for violations against human rights defenders a priority; the Truth, Justice and Reconciliation Commission must address seriously and thoroughly all violations committed against human rights defenders (para. 109) | **Government**: The implementation of the recommendations made by the Commission should make justice independent and effective, and a sensitization programme with regard to human rights will be implemented.<br>**NGOs**: According to some respondents, even though the Commission had finished its mandate, the authors of violations were still free. |
| **F. Other recommendations** | |
| Recommended that the Government translate the Declaration on Human Rights Defenders in Kabye, Ewe and other main local languages (para. 100) | **Government**: Intends to do this.<br>**NGOs**: Declaration has not yet been translated. Some think this is not pertinent, as many people do not read in these languages, or at all, and those who do also read English or French. |
| Recommended that all stakeholders carry out countrywide civic education to enhance the appreciation of the activities of human rights defenders (para. 118) | **NGOs**: Many stated that this had not been done. |
| Recommended that all stakeholders disseminate the Declaration on Human Rights Defenders and the Universal Declaration of Human Rights on the occasion of their tenth and sixtieth anniversaries respectively (para. 119) | **Government**: A forum was organised in which more than 50 organizations of human rights defenders had participated. Authorities intend to intensify these actions.<br>**NGOs**: A forum was held on 10 December 2012 at which the proposal was discussed, although no further information had been provided. |

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Agenda item 3
**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

# Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya

**Addendum**

## Observations on communications transmitted to Governments and replies received*

* The present document is being circulated in the languages of submission only, as it greatly exceeds the word limitations currently imposed by the relevant General Assembly resolutions.

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# Introduction

1. The present document is submitted by the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, to the Human Rights Council, pursuant to resolution 16/5 of the Human Rights Council. The document provides observations on the communications on specific cases addressed by the Special Rapporteur to States, as well as observations on the replies received from States.

2. The cases raised by the Special Rapporteur in this addendum include communications sent between 1 December 2012 and 30 November 2013.

3. The addendum contains observations on the communications and responses received from States until 31 January 2014. A small number of replies received before 31 January 2014 could not be included because translation of these documents was not available at the time of finalising the report. Most of the responses by States refer to cases raised by the Special Rapporteur during the period December 2012 to November 2013. However, responses received during the reporting period to cases addressed by her in earlier reporting period have also been included. These communications are marked with a footnote in the text.

4. For ease of reference, cases have been grouped by country, with countries listed alphabetically according to their names in English. Each communication is referenced in one of six categories: urgent appeal (UA), allegation letter (AL), other letter (OL), joint urgent appeal (JUA), joint allegation letter (JAL) and joint other letter (JOL). This is followed by the date the communication was issued, as well as the case number and the date of the State's reply. The electronic version of the present document has both of these items hyperlinked, and clicking on them will open the communication sent and the reply from the concerned State, respectively, as uploaded on the OHCHR website. Finally, in bold, is a short reference to the allegations contained in the communication in the language of submission.

5. The Special Rapporteur is grateful to all States which have transmitted substantive responses to her communications. She considers response to her communications as an important part of cooperation by States with her mandate. She trusts that States who have not provided substantive responses to her communications will do so shortly.

## Algeria

6. JUA 31/08/2012[1] Case no.: DZA 3/2012 State reply: 26/03/2013

**Allégations d'arrestation et de harcèlement d'un défenseur des droits de l'homme.**

7. JAL 22/11/2012[2] Case no.: DZA 4/2012 State reply: 26/02/2013

**Allégations de restrictions illégitimes à la liberté d'association.**

8. JAL 07/03/2013 Case no: DZA 1/2013 State reply: 02/08/2013

**Allégation d'entraves indues au droit à la liberté de réunion pacifique d'activistes syndicaux.**

[1] Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

[2] Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

9. JAL 23/04/2013 Case no: DZA 2/2013 State reply: none to date

**Allégations d'un usage excessif de la force durant une manifestation pacifique; et de violation à la liberté de mouvement.**

10. JAL 28/06/2013 Case no: DZA 3/2013 State reply: none to date

**Allégations de représailles et d'actes d'intimidation à l'encontre d'un défenseur des droits de l'homme pour avoir coopéré avec l'Organisation des Nations Unies, ses représentants et ses mécanismes dans le domaine des droits de l'homme.**

11. JAL 20/08/2013 Case no: DZA 4/2013 State reply: 16/12/2013

**Allégations d'usage excessif de la force et d'arrestations subséquentes lors d'une manifestation pacifique de familles de disparus.**

**Observations**

12. La Rapporteuse spéciale remercie le Gouvernement des informations fournies dans la réponse à sa lettre du 7 mars 2012 et remercie les réponses à ses lettres du 31 aout 2012 et 22 novembre 2012. Toutefois, elle regrette l'absence des réponses aux trois autres communications envoyées durant la période couverte par le présent rapport.

13. La Rapporteuse spéciale demeure préoccupée par des rapports reçus qui dénoncent, lors de manifestations pacifiques, un usage excessif de la force contre les participants ainsi que des arrestations et détentions de défenseurs des droits de l'homme ayant pris part auxdites manifestations.

14. La Rapporteuse spéciale exprime ses préoccupations concernant des rapports reçus sur des actes de représailles et d'intimidation à l'encontre d'un défenseur des droits de l'homme. À cet égard, elle prie instamment le Gouvernement d'Algérie de faire en sorte que les défenseurs des droits de l'homme puissent mener leurs activités légitimes dans un environnement favorable et sans danger, ce qui inclut un accès ouvert et sans entraves aux organes internationaux des droits de l'homme tels que les Nations Unies, ses représentants et ses mécanismes dans le domaine des droits de l'homme, sans crainte d'harcèlement, stigmatisation ou criminalisation.[3]

## Angola

15. JAL 26/04/2013 Case no: AGO 2/2013 State reply: 30/09/2013

**Alleged arrests of 18 individuals who intended to participate in a peaceful protest**

16. JUA 10/06/2013 Case no: AGO 3/2013 State reply: 08/07/2013
30/09/2013

**Alleged incommunicado detention of one human rights defender and alleged arbitrary arrests and excessive use of force by the police against eight other human rights defenders**

**Observations**

17 The Special Rapporteur would like to thank the Government of Angola for the responses received to the two communications sent during her reporting period.

[3] A/HRC/Res/22/6/OP13

18. The Special Rapporteur wishes to reiterate her concerns regarding information received on alleged restrictions on the right to freedom of peaceful assembly in Angola, including excessive use of force against protesters involved in peaceful demonstrations on the part of the authorities. She also expresses her concern regarding information received of arrests, arbitrary detention protesters and the refusal of access to lawyers while in detention.

## Argentina

19. JAL 10/01/2013 Case no: ARG 2/2012 State reply: none to date

**Presuntos actos de intimidación y difamación contra abogados de derechos humanos en la provincia de Mendoza, y presunta amenaza de muerte contra un conocido magistrado en la misma provincia**

**Observaciones**

20. La Relatora Especial toma nota del acuse de recibo de su carta de alegaciones pero lamenta que, en el momento de finalizar el presente informe, no se habia recibido una respuesta sustantiva a las alegaciones presentadas. La Relatora se muestra preocupada por la gravedad de dichas alegaciones indicando amenazas de muerte contra un magistrado y actos de intimidación contra abogados implicados en casos y procesos por crímenes de lesa humanidad ocurridos durante la dictadura militar (1976-1983).

## Armenia

21. JUA 10/09/2013 Case no: ARM 1/2013 State reply: none to date

**Allegations of threats and harassment of Armenian women's non-governmental organizations and women human rights defenders.**

**Observations**

22. The Special Rapporteur regrets that, at the time of finalising this report, she had not received a reply to the communication sent during the reporting period. She trusts that she will receive a reply to the allegations presented about threats, harassment and calls for violence against women defenders related to their activities and in connection to a public discussion which was generated around the adoption of Law No. 57 on Equal Rights and Equal Opportunities for Men and Women.

## Azerbaijan

23. JAL 10/12/2012 Case no: AZE 5/2012 State reply: 16/08/2013

**Alleged legislative amendments increasing fines and criminalizing breaches of the regulations regarding the organization and participation in peaceful assemblies, which may be contrary to the fundamental right to freedom of peaceful assembly.**

24. JAL 18/01/2013 Case no: AZE 1/2013 State reply: 20/03/2013
27/08/2013
06/12/2013

**Allegations concerning the physical and psychological integrity of a human rights defender who, at the time of the communication, was in pre-trial detention.**

25. JUA 01/02/2013 Case no: AZE 2/2013 State reply: 23/04/2013

**Allegations of arrest of 63 participants in a peaceful protest held in Baku, of whom 26 were sentenced to administrative detention or heavy fines.**

26. JAL 28/03/2013 Case no: AZE 3/2013 State reply: 16/08/2013

**Reported amendments to the Code of Administrative Offences, the law "On non-governmental organisations (public associations and foundations)" and the law "On grants" which will allegedly affect the work of religious organisations and non-governmental organisations (NGOs), including those working for the promotion and protection of human rights.**

27. JUA 26/07/2013 Case no: AZE 4/2013 State reply: 28/08/2013

**Alleged administrative detention of three youth activists for the period of 15 days.**

28. JAL 26/11/2013 Case no: AZE 5/2013 State reply: none to date

**Alleged targeting of an NGO in the aftermath of the recent presidential elections of 9 October 2013.**

**Observations**

29. The Special Rapporteur thanks the Government for the replies transmitted to five of her six communications sent during the reporting period and welcomes this improvement in the response rate since the last reporting period when one response was received to four communications.[4]

30. The Special Rapporteur wishes to express her deep concern about what she considers undue restrictions imposed on the rights to freedom of peaceful assembly and association. Individual human rights defenders have been arrested, while organisations have been impeded in their work to promote human rights by means of changes in legislation which have unduly curtailed basic freedoms.

31. Specifically, following the amendments made to the Law on Freedom of Assembly, the Administrative Offences Code and the Criminal Code in December 2012, peaceful gatherings can now be criminalised when it "causes the significant violation of the rights and legal interests of citizens" (art. 169, para. 1 of the Criminal Code). According to the Government's response, gatherings "propagandizing national, racial of religious discord" can constitute an "abuse" of the right to freedom of peaceful assembly. The Special Rapporteur expresses her concern about what she considers the shrinking of the space for the peaceful promotion of human rights and fundamental freedoms in Azerbaijan.

32. The Special Rapporteur is also concerned that the legislative amendments to the Code of Administrative Offences, the law "On non-governmental organizations" and the law "On grants" could be used to hinder the work of non-governmental organisations (NGOs) in Azerbaijan. These amendments have increased the penalties in cases where organisations do not register with the Ministry of Justice and have defined what constitutes a "donation" for the purposes of grants legislation. Therefore, only those organisations whose causes are approved by the Government via registration are legally entitled to receive funds for their cause. The Special Rapporteur believes that this constitutes an undue restriction to the right to associate freely, which further narrows the space for peaceful and independent work by human rights defenders.

[4] A/HRC/22/47/Add.4, paras. 18 - 23

33. The Special Rapporteur, jointly with the Special Rapporteur on freedom of opinion and expression and the Special Rapporteur on the rights to freedom of association and peaceful assembly, issued a press statement on 4 October 2013[5] about the importance of the work of human rights defenders and civil society organisations in the run-up to the Presidential elections in Azerbaijan, which took place on 9 October 2013.

34. The Special Rapporteur would like to reiterate her availability to provide guidance and support to the Government of Azerbaijan in any issue related to the establishment and consolidation of a safe and enabling environment for human rights defenders, including through a conducive legal, institutional and administrative framework. She reiterates her interest in visiting the country and regrets that to date her request to conduct such a visit (2013) has not received an answer.

## Bahrain

35. JAL 19/04/2013 Case no: BHR 1/2013 State reply: 05/06/2013

**Allegation that a new draft law on associations violates international norms and standards related to the right to freedom of association.**

36. JUA 10/05/2013 Case no: BHR 2/2013 State reply: 05/06/2013

**Alleged arbitrary detention and torture of a human rights defender as well as denial to seek legal representation.**

37. JUA 23/05/2013 Case no: BHR 3/2013 State reply: 24/06/2013

**Alleged removal from his cell and isolation of a detained human rights defender, as well as denial of access to his relatives and legal representation.**

38. JUA 30/07/2013 Case no: BHR 4/2013 State reply: 29/08/2013

**Alleged irregularities in the trials of human rights defenders, including possible acts of reprisals for co-operation with the United Nations (UN) against one of them, and alleged torture or other forms of cruel, inhuman or degrading treatment of another whilst in detention.**

39. JUA 14/08/2013 Case no: BHR 5/2013 State reply: 04/09/2013

**Alleged restrictions of freedom of expression and freedom of assembly following 22 recommendations to amend the anti-terrorism Law no. 58 of 2006.**

40. JUA 28/08/2013 Case no: BHR 6/2013 State reply: 01/10/2013

**Allegations of arbitrary detention, torture and ill-treatment of Ms Rihanna Al-Musawi and Ms Nafeesa Al-Asfoor, and of lack of judicial safeguards while in detention; and of arbitrary detention of Mr Abas Al-Asfoor..**

41. JUA 04/10/2013 Case no: BHR 7/2013 State reply: 05/11/2013

**Allegations of inadequate investigations of torture whilst in detention and of lack of access to legal representation.**

[5] "UN experts urge Azerbaijan to recognize and enable the role of rights defenders in run up to elections" (4/10/2013): http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13829&LangID=E

**Observations**

42. The Special Rapporteur would like to thank the Kingdom of Bahrain for the responses received to the seven communications sent during the reporting period. However, she expresses her concern with regards to the volume of the allegations received and the severity of the issues raised therein.

43. The Special Rapporteur expresses concern with regards to the draft law on Civil Associations and Organisations which imposes restrictions on associations, including a prior approval procedure to set up an association; extensive discretion to the authorities to monitor and influence the internal affairs of an association; and prior ministerial approval with regards to funding. Although the Special Rapporteur appreciates the response provided by the Government which indicated that NGOs had been consulted with regards to the contents of the draft law, she firmly believes that undue restrictions should not be imposed so as to prevent associations from operating freely.

44. The Special Rapporteur also expresses her concern with regard to the recommendations adopted on 28 July 2013 to amend the Law no. 58 (Protecting Society from Terrorists Act) of 2006. The Special Rapporteur appreciates the detailed response provided by the Government on 4 September 2013, but she remains concerned that this law could impose restrictions on human rights defenders' ability to effectively carry out their legitimate and peaceful human rights activities.

45. The Special Rapporteur further wishes to express concern with regards to information she has received of intimidation, arrests, detention, ill-treatment, torture and enforced disappearances of human rights defenders. Furthermore, she is concerned about information she has received regarding the treatment and conditions in detention, including physical abuse, isolation and refusal of access to family members and legal representatives.

46. The Special Rapporteur takes note of the investigations on cases that she has raised in a number of communications regarding allegations of torture in detention, including forensic examinations. Although the Government refutes these allegations, the Special Rapporteur remains concerned about the high volume of allegations received regarding the situation of defenders in the country, who remain at risk of arbitrary detention and ill-treatment as a result of their legitimate and peaceful activities. The Special Rapporteur urges the Government of Bahrain to take immediate steps to ensure human rights defenders are able to carry out their work in an effective manner without fear of such violations.

47. The Special Rapporteur regrets that so far no reply has been received in response to her request (2012) to visit the Kingdom of Bahrain to enable her to gain a better understanding of the situation of human rights defenders in the country. She expresses her hope that the Government will respond favourably to this request and she remains available to provide guidance and assistance the Government might require.

## Bangladesh

48. JUA 18/01/2013 Case no: BGD 2/2013 State reply: 29/01/2013

**Alleged attack on, and stabbing of, a prominent blogger in Dhaka.**

49. JAL 20/02/2013 Case no: BGD 4/2013 State reply: 25/02/2013

**Allegations of dispersal by law enforcement authorities of a series of peaceful demonstrations organised by teachers and employees of non-governmental schools, and the alleged related excessive use of force against demonstrators.**

50. JUA 14/08/2013 Case no: BGD 9/2013 State reply: none to date

**Allegations of arrest and detention of, and charges against, the secretary of a human rights non-governmental organisation, coupled with searches of the NGO premises.**

51. JUA 06/09/2013 Case no: BGD 10/2013 State reply: 10/09/2013

**Allegations of charges against the Secretary and Director of a human rights non-governmental organisation.**

52. JAL 29/10/2013 Case no: BGD 11/2013 State reply: 31/10/2013

**Alleged lack of compliance of the amended Information and Communication Technology Act with international human rights standards.**

53. JUA 13/11/2013 Case no: BGD 14/2013 State reply: 14/11/2013

**Allegations of incarceration of, and charges against, a human rights defender.**

**Observations**

54. The Special Rapporteur takes note of the acknowledgement of receipt to five out of six of the communications sent during the reporting period. She trusts that substantive responses will be provided shortly to all of these communications.

55. The Special Rapporteur expresses grave concern of reports received of violent physical attacks and attempted murder of human rights defenders in Bangladesh. She also expresses her concern regarding allegations of excessive use of force by law enforcement authorities to disperse peaceful demonstrations, which in some cases led to casualties and severe injuries amongst demonstrators. The Special Rapporteur urges the Government of Bangladesh to take immediate steps to ensure human rights defenders are able to carry out their work in a safe and enabling environment and that their physical and psychological integrity is guaranteed. The Special Rapporteur is also concerned about reports of searches at the premises of NGOs and seizure of laptops by security forces and the subsequent arrest and detention of NGO staff members and refusal of access to a lawyer.

56. The Special Rapporteur would like to reiterate her concerns regarding the passing by Parliament on 19 August 2013 of the amended Information and Communication Technology Act of 2006, which she believes imposes undue restrictions on the right to freedom of opinion and expression.

57. The Special Rapporteur regrets that to date no reply has been received in response to her request (2013) for a country visit to Bangladesh to enable her to gain a better understanding of the situation of human rights defenders in the country. She expresses her hope that the Government will respond favourably to this request and she remains available to provide guidance and assistance the Government might require.

## Belarus

58. JAL 19/02/2013 Case no: BLR 1/2013 State reply: none to date

**Alleged arrest of, and imposition of fines on three human rights defenders.**

59. JAL 28/03/2013 Case no: BLR 2/2013 State reply: none to date

**Allegations of confirmed forced cessation of a human rights organization's activities in appeal.**

**Observations**

60. The Special Rapporteur regrets the lack of response to the two communications sent during the present reporting period. The Special Rapporteur remains concerned at reports received indicating that there is an increasingly restrictive environment for human rights defenders in Belarus, including the use of judicial and administrative provisions against certain organisations and journalists working on human rights issues.

61. This restrictive context for human rights defenders is highlighted by the Special Rapporteur on the situation in Belarus, when he warns against the use of arbitrary administrative and criminal detention as a means to intimidate, harass and punish individuals engaged in undesired activities, including human rights defenders, journalists and lawyers[6]. Moreover, the Special Rapporteur on the situation of Belarus expressed his concern about the imprisonment of human rights defenders and activists based on spurious criminal charges and unfair procedures, aggravated by allegations of torture and ill-treatment while in custody, as part of a strategy aimed at "breaking" them into admission of guilt.[7]

62. The Special Rapporteur finds the forced cessation of the activities of the organisation "?latforma" – which was the object of a previous communication (BLR 4/2012)[8] – and the subsequent confirmation at appeal in November 2012- of particular concern.

63. The Special Rapporteur would like to express serious concern at the alleged emergence of a pattern of legal and administrative harassment, and stigmatisation of human rights defenders expressing opinions online. In this connection, the alleged extension of the notion of "mass disturbance" so as to include online postings determines retrospectively what qualifies as a "mass disturbance" under Article 23.34 of the Belarusian Administrative Code. In her view, this unduly restricts the space in which human rights defenders operate and can be used to curtail basic public freedoms.

64. The Special Rapporteur reiterates her availability to provide advice to the Government, in particular concerning the establishment of a safe and enabling environment for the defence and promotion of human rights, and trusts that the Government will respond favourably to her repeated requests to visit the country (2010, 2011).

## Belize

65. JAL 24/07/2013 Case no: BLZ 2/2013 State reply: none to date

**Alleged attack and death threats against Belizean LGBT rights defender as well as impunity for such attacks.**

**Observations**

66. The Special Rapporteur regrets that, at the time of finalising this report, she had not received a response to the communication sent during the reporting period. She trusts that she will receive a substantive reply to the allegations presented about an attack and death threats against a LGBT defender and impunity for such attack.

[6] A/68/276, para.76
[7] A/HRC/23/52
[8] A/HRC/22/47/Add , para. 46

## Botswana

67. JAL 08/07/2013 Case no: BWA 2/2013 State reply: 10/07/2013

**Alleged arbitrary denial to register a human rights association.**

**Observations**

68. The Special Rapporteur thanks the Government for acknowledging receipt of the communication sent during the reporting period. She trusts that she will receive a substantive reply to the allegations presented regarding the arbitrary denial to register LEGABIBO, a human rights organisation that aims to promote non-discrimination and uphold the human rights of lesbian, gay, bisexual, transgender and intersex people. She takes note of the information received in the acknowledgment of receipt regarding the intention expressed by the Minister of Defence, Justice and Security at the UPR of Botswana in June 2013 to engage further with the founders of LEGABIBO.

69. The Special Rapporteur remains concerned that the denial to register LEGABIBO might be related to the association's peaceful activities in defending the human rights of LGBTI individuals in Botswana. She would like to reiterate the importance of ensuring that the right to freedom of opinion and expression and to peaceful assembly is guaranteed without discrimination of any sort.

## Brazil

70. JAL 06/12/2012 Case no: BRA 15/2012 State reply: none to date

**Alleged killing of a journalist in Campo Grande, the capital of Mato Grosso do Sul state.**

71. JAL 07/05/2013 Case no: BRA 1/2013 State reply: none to date

**Alleged infiltration and surveillance of human rights organisations.**

72. JUA 03/06/2013 Case no: BRA 2/2013 State reply: 16/09/2013

**Alleged recent incidents of escalating violence against indigenous peoples in the states of Mato Grosso do Sul and Pará, including the alleged killing of an indigenous person by police authorities.**

73. JUA 26/06/2013 Case no: BRA 3/2013 State reply: none to date

**Alleged excessive use of police force against protestors in vast demonstrations sweeping the nation since 10 June 2013.**

74. JAL 07/11/2013 Case no: BRA 5/2013 State reply: none to date

**Alleged death threats and false allegations of paedophilia and sexual abuse against LGBT rights defenders in Brazil.**

**Observations**

75. The Special Rapporteur thanks the Government for the reply received to one of the communications sent during the reporting period but regrets that, at the time of finalising the report, five communications remained without reponse. While recognising the steps taken by the Government to improve the protection of human rights defenders, outlined in the Government's response dated 16 September 2013, she urges the Government of Brazil to conduct prompt and thorough investigations in each case, prosecute the perpetrators, and provide adequate reparation to victims. She trusts that a response to the other communications will be provided shortly.

76. The Special Rapporteur remains concerned regarding the information received about the excessive force used to disperse protests during the mass demonstrations of June 2013, including the use of tear gas and rubber bullets. This was the subject of a communication sent in June 2013 jointly with other experts of the Human Rights Council. She looks forward to receiving a response to what she considers to be very serious allegations.

77. The Special Rapporteur wishes to express her deep concern about the reported continuous climate of violence and pressure – involving killing, harassment, intimidation and criminalisation – experienced by organisations, social movements and indigenous communities defending environmental and land-related rights. The Special Rapporteur expresses serious concern concerning the death threats and harassment targeting those working to end discrimination against the LGBTI community in Brazil, as mentioned in the communication dated 7 November 2013. She expresses further concern at the escalating violence against journalists investigating corruption by public officials and the police, such as that mentioned in the communication dated 6 December 2012.

## Cambodia

78. JUA 27/09/2013 Case no: KHM 2/2013 State reply: none to date

**Allegations of dispersal of two peaceful protests against alleged election irregularities, one brutally, by law enforcement officials.**

**Observations**

79. The Special Rapporteur regrets that, at the time of finalising the report, no response had been received to the communication sent during the reporting period. She remains gravely concerned regarding the information she has received of excessive force used to disperse peaceful protests. She would like to express her concern regarding the physical and psychological integrity of those exercising or seeking to exercise their rights of opinion and expression and of peaceful assembly and association in Cambodia. In this regard, she would like to reiterate that the State has a duty to protect and to provide a safe and enabling environment for human rights defenders to conduct their work.

80. The Special Rapporteur regrets that so far no reply has been received in response to her request for a country visit to Cambodia (2012) to enable her to gain a better understanding of the situation of human rights defenders in the country. She expresses her hope that the Government will respond favourably to this request and she remains available to provide guidance and assistance the Government might require.

## Cameroon

81. JAL 04/01/2013 Case no: CMR 6/2012 State reply: 30/07/2013

**Allégations d'un raid illégal contre l'ONG Struggle to Economize Future Environment et de l'arrestation arbitraire subséquente de six de ses membres.**

82. JUA 13/08/2013 Case no: CMR 3/2013 State reply: none to date

**Allégations de meurtre d'un défenseur des droits de personnes lesbiennes, gays, bisexuelles, transgenres et intersexuées (LGBT) et d'actes d'intimidations à l'encontre d'autres défenseurs.**

83. JUA 04/09/2013 Case no: CMR 4/2013 State reply: none to date

**Allégations de tentative de meurtre, de harcèlement judicaire et de représailles à l'encontre de différents membres de l'organisation MBOSCUDA.**

**Observations**

84. La Rapporteuse spéciale remercie le Gouvernement des informations fournies en réponse à sa lettre du 4 janvier 2013. Elle regrette cependant, au moment de la finalisation du présent rapport, l'absence de réponse aux deux autres communications envoyées pendant la période couverte par le présent rapport.

85. La Rapporteuse spéciale exprime de sérieuses préoccupations par rapport à des informations reçues concernant des meurtres, tortures, tentatives de meurtre, actes d'intimidation, arrestations arbitraires et harcèlements judicaire à l'encontre des défenseurs des droits de l'homme. La Rapporteuse Spéciale reste très préoccupée quant à la vie et intégrité physique et psychologique des défenseurs des droits de l'homme au Cameroun, surtout celles et ceux qui qui sont engagés dans la protection des droits des personnes lesbiennes, gais, bisexuelles, transgenres et intersexuées.

86. La Rapporteuse spéciale exprime ses préoccupations concernant des rapports reçus sur des actes de représailles à l'encontre des défenseurs des droits de l'homme. À cet égard, elle prie instamment le gouvernement de Cameroun de faire en sorte que les défenseurs des droits de l'homme puissent mener leurs activités légitimes dans un environnement favorable et sans danger, ce qui inclut un accès ouvert et sans entraves aux organes internationaux des droits de l'homme tels que les Nations Unies, ses représentants et ses mécanismes dans le domaine des droits de l'homme, sans crainte d'harcèlement, stigmatisation ou criminalisation.[9]

87. La Rapporteuse spéciale remercie le Gouvernement du Cameroun de la réponse à sa demande de visite (2012) afin de pouvoir effectuer un état des lieux de la situation des défenseurs des droits de l'homme dans le pays. Elle espère que sa visite pourra avoir lieu à l'avenir à des dates mutuellement convenues.

## Canada

88. JAL 24/05/2012[10] Case no.: CAN 1/2012 State reply: 23/07/2012; 01/10/2012; 13/06/2013

**Allégations de restrictions arbitraires au droit de réunion pacifique et de l'usage disproportionné de la force contre des manifestants dans le contexte de mobilisations d'étudiants à Montréal, Québec; et allégations de nouvelles lois portant indûment atteinte aux droits à la liberté de réunion pacifique et d'association.**

89. JAL 07/11/2013 Case no: CAN 4/2013 State reply: 10/1/2014 10/1/2014

**Allegations concerning discrimination in funding and retaliation acts against Ms Cindy Blackstock, Executive Director of the First Nations Child and Family Caring Society of Canada**

**Observations**

90. The Special Rapporteur thanks the Government for the detailed and substantive response received to the communication sent during the reporting period. She also thanks

[9] A/HRC/Res/22/6/OP13

[10] Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

the Government for the substantive response received to the communication sent during the previous reporting period (CAN 1/2012).[11]

91. The Special Rapporteur takes note of the information received regarding relevant protection and remedies in Canadian Law as well as the views of the Government on the allegations regarding the communication on Ms. Blackstock, dated 7 November 2013. The Special Rapporteur notes with concern the findings of the Office of the Privacy Commissioner of Canada, which considered the allegations made that officials from the Aboriginal Affairs and Northern Development Canada (AANDC) and the Department of Justice repeatedly accessed and monitored Ms. Blackstock's social media feeds to be "well-founded". She takes note that the AANDC accepted this finding and that it is complying with the recommendations made by the Office of the Privacy Commissioner. She looks forward to receiving information once the Canadian Human Rights Tribunal (CHRT) reaches a decision regarding the retaliation proceedings linked to the case.

92. The Special Rapporteur takes note of the information provided by the Government regarding the students' demonstrations in connection to the legal developments concerning the right to freedom of peaceful assembly and association. She is pleased to note that the Quebec government which was elected in September 2012 decided to repeal the mentioned laws. The Special Rapporteur takes note that investigations are ongoing regarding allegations of excessive use of force by the police during the demonstrations.

## Chile

93. JUA 03/09/2013 Case no: CHL 1/2013 State reply: 01/10/2013

**Alegaciones sobre supuestas amenazas en contra del líder indígena mapuche Francisco Vera Millaquén y su familia con motivo de su trabajo en defensa de los derechos del pueblo indígena mapuche.**

**Observations**

94. La Relatora Especial agradece la respuesta del Gobierno a la comunicación enviada durante el periodo del presente informe. La Relatora toma nota de la existencia de tres investigaciones en curso sobre la situación del Sr. Vera Millaquén sobre cuyo contenido entiende que no le sea posible al Gobierno extenderse. La Relatora también toma nota y agradece la información recibida indicando que el Sr. Vera Millaquén y su familia son beneficiarios de programas de protección de la Unidad Regional de Atención a Víctimas y Testigos de la Fiscalía Regional de Los Lagos.

## China

95. JUA 10/12/2012 Case no: CHN 10/2012 State reply: 07/02/2013

**Allegations of arrest and detention of, and alleged excessive use of force against, peaceful demonstrators in the Tibet Autonomous Region.**

96. JAL 10/12/2012 Case no: CHN 11/2012 State reply: none to date

**Alleged continued detention and deteriorating health of prominent Tibetan human rights defender**

98. JUA 17/01/2013 Case no: CHN 1/2013 State reply: 07/03/2013

**Alleged detention in an unknown location of human rights defender.**

[11] A/HRC/22/47/Add.4, paras. 83 - 84

99. JUA 12/06/2013 Case no: CHN 4/2013 State reply: 12/07/2013

**Allegations of sentencing of eight student protestors to prison terms following their participation in peaceful demonstrations in the Tibet Autonomous Region in November 2012.**

100. JUA 24/06/2013 Case no: CHN 5/2013 State reply: 01/08/2013

**Alleged incarceration on the basis of a sentence to a four years' prison term of a student in Huangnan Tibetan Autonomous Prefecture, for leading a peaceful protest in November 2012**

101. JUA 17/07/2013 Case no: CHN 6/2013 State reply: 23/09/2013

**Alleged arrest and detention of peaceful protesters requesting to participate in the consultation and drafting process preceding China's upcoming Universal Periodic Review (UPR), as well as a trial and alleged torture of an activist working on the same issue.**

102. JUA 09/08/2013 Case no: CHN 8/2013 State reply: 11/11/2013

**Allegations of arrests, detention and intimidation of human rights defenders, denial of access to appropriate medical treatment, incommunicado detention and torture while in detention, and alleged sexual violence.**

103. JUA 22/08/2013 Case no: CHN 9/2013 State reply: none to date

**Alleged arrests and administrative detention of four human rights defenders.**

104. JUA 18/09/2013 Case no: CHN 10/2013 State reply: 03/12/2013

**Allegations of arrest and detention of a human rights defender.**

105. JUA 01/10/2013 Case no: CHN 11/2013 State reply: 07/01/2014; 24/01/2014

**Alleged imposition of travel bans on two human rights defenders, and enforced disappearance of one, working on China's upcoming UPR**

106. JUA 22/10/2013 Case no: CHN 12/2013 State reply: 07/01/2014

**Allegations of arbitrary arrest and detention, and enforced disappearances**

107. JUA 14/11/2013 Case no: CHN 13/2013 State reply: 24/01/2014

**Alleged arbitrary detention and deprivation of medical treatment of human rights defender, Ms Cao Shun'i.**

**Observations**

108. The Special Rapporteur welcomes the Government's responses to nine of her twelve communications sent during the reporting period, and hopes to receive substantive responses to the remaining communications.

109. The Special Rapporteur expresses grave concern at reports that she has received of excessive use of force against peaceful Tibetan student protestersand the subsequent detention and sentencing of these human rights defenders under charges of "illegally holding demonstration" and "causing harm to social stability".

110. Furthermore, the Special Rapporteur is deeply concerned about the arrest, detention and intimidation of human rights defenders in China for peacefully claiming their legitimate right to be part of the Universal Periodic Review process, as mentioned in communications dated 17 July, 1 October and 14 November 2013. She is particularly concerned about the enforced disappearance, and subsequent arbitrary detention of Ms. Cao

Shunli, and the alleged denial of medical treatment while in detention. The Special Rapporteur has voiced concerns about Ms Shunli, who is a prominent human rights defender, in a public statement issued jointly on 16 October 2013 with the Special Rapporteur on freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association.[12] She would like to reiterate her concerns that the high-profile nature of this case may deter human rights defenders from carrying out their peaceful and legitimate work, both in the exercise of their right to peaceful assembly and in their endeavours to co-operate with the United Nations human rights meachanisms. In this regard, she strongly urges the Government of China to ensure that human rights defenders can carry out their legitimate activities in a safe and an enabling environment; this includes through open and unhindered access to international human rights bodies such as the United Nations, its mechanisms and representatives in the field of human rights, without fear of harassment, stigmatisation or criminalisation of any kind.[13]

111. The Special Rapporteur is concerned over the allegations of members of the New Citizens Movement being targeted in connection to their peaceful and legitimate work promoting human rights and fundamental freedoms, mainly exposing alleged corruption amongst public officials and advocating for democracy. She would like to reiterate her concerns that the series of arrests of these human rights defenders reveal little room for dissenting voices in China and are a worrisome sign of an escalating crackdown on the rights to freedom of expression, association and peaceful assembly.

112. Finally, the Special Rapporteur would like to reiterate her concerns regarding the physical and psychological integrity of human rights defenders in China, following reports of human rights defenders being arrested, detained, disappeared, denied access to lawyers, denied medical attention and ill-treated in detention.

113. The Special Rapporteur regrets that so far no reply has been received in response to her request to visit China (2008, 2010) to enable her to gain a better understanding of the situation of human rights defenders in the country. She expresses her hope that the Government will respond favourably to this request and she remains available to provide guidance and assistance the Government might require.

## Colombia

114. JUA 17/12/2012 Case no: COL 13/2012 State reply: 20/06/2013
02/08/2013

**Asesinato de un defensor de los derechos de las víctimas y alegaciones de una ola creciente de amenazas y actos de intimidación contra defensores de los derechos de las víctimas y sus familiares.**

115. JUA 16/01/2013 Case no: COL 2/2013 State reply: 03/04/2013

**Alegación relativa a la detención del Sr. Manuel Antonio Bautista Pequi, defensor de derechos humanos y miembro de la Asociación de Cabildos Indígenas del Norte del Cauca (ACIN), arrestado el 4 de enero de 2013 en Santander de Quilichao por agentes de la policía.**

116. JAL 29/01/2013 Case no: COL 1/2013 State reply: 02/05/2013

[12] "UN experts alarmed by reprisals against activists linked to China's international human rights review"(16/10/2013): http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13860&LangID=E

[13] A/HRC/Res/22/6/OP13

**Presunto asesinato, actos de intimidación y acoso, incluyendo amenazas de muerte y malos tratos de activistas sindicales.**

117. JUA 15/02/2013 Case no: COL 3/2013 State reply: 03/04/2013

**Alegaciones de un atentado contra la vida del sacerdote y defensor de derechos humanos, Padre Alberto Franco.**

118. JUA 01/05/2013 Case no: COL 5/2013 State reply: none to date

**Supuestos ataques, amenazas, actos de intimidación y agresión física contra mujeres defensoras de derechos humanos en las regiones del norte de Colombia en conexión con su trabajo de promoción y defensa de los derechos humanos en esa región.**

119. JUA 07/06/2013 Case no: COL 6/2013 State reply: none to date

**Presunto robo de información contra miembro de la Fundación Nydia Erika Bautista y actos de hostigamiento contra miembros de la misma organización.**

120. JUA 02/08/2013 Case no: COL 8/2013 State reply: 14/11/2013

**Presuntas amenazas de muerte contra miembros del movimiento de derechos humanos de Barrancabermeja.**

121. JUA 13/08/2013 Case no: COL 9/2013 State reply: none to date

**Supuestas amenazas de muerte continúas contra sindicalistas en Colombia.**

122. JUA 13/09/2013 Case no: COL 10/2013 State reply: 14/11/2013
24/12/2013

**Presunto asesinato de un abogado y supuestos actos de intimidación, estigmatización y amenazas de muerte en contra de abogados en un contexto de ataques contra profesionales del derecho trabajando casos de violaciones de derechos humanos, incluidas desapariciones forzadas e involuntarias.**

123. JUA 18/11/2013 Case no: COL 11/2013 State reply: 07/1/2014
23/1/2014

**Presuntos asesinatos de tres defensores y defensoras de derechos humanos.**

**Observaciones**

124. La Relatora Especial agradece al Gobierno las respuestas recibidas a siete de sus diez comunicaciones enviadas durante el periodo del presente informe, así como por la información proporcionada sobre el apoyo y protección ofrecida a los defensores y defensoras. La Relatora confía que el Gobierno dará respuesta a las tres comunicaciones del periodo que aún no han sido respondidas así como a las cuatro comunicaciones que no obtuvieron respuesta durante el periodo anterior (COL 1/2012, COL 3/2012, COL 10/2012 y COL 11/2012).[14]

125. La Relatora Especial continúa preocupada por la situación de los defensores en el país, quienes siguen sufriendo actos de coso e intimidación; amenazas, incluidas de muerte; ataques; y asesinatos por su trabajo en defensa de los derechos humanos. La Relatora Especial quiere llamar la atención sobre la difícil situación de los defensores y defensoras que trabajan en temas relacionados con la restitución de tierras, pueblos y comunidades indígenas, sindicalistas, abogados y periodistas. Asimismo, los riesgos que las mujeres

[14] A/HRC/22/47/Add.4, paras. 100-106

defensoras enfrentan en el país preocupa a la Relatora, en especial aquéllas que trabajan en el norte del país y por el esclarecimiento de desapariciones forzadas y violaciones cometidas por las fuerzas del orden y grupos armados. La gravedad de los casos que han llegado a la Relatora es una muestra de la situación de inseguridad extrema que enfrentan los defensores y defensoras en Colombia.

126. La Relatora Especial quiere reiterar su profunda preocupación sobre un patrón identificado de actos intimidatorios, amenazas y asesinatos contra defensores trabajando sobre el proceso de justicia y verdad, por el esclarecimiento de violaciones cometidas por las fuerzas del orden y grupos armados, y contra la impunidad. Específicamente, defensores y defensoras que trabajan sobre desapariciones forzadas y casos de "falsos positivos" enfrentan un nivel altísimo de amenazas, intimidación y hostigamiento.

127. Asimismo, la Relatora Especial continúa preocupada por el grado de impunidad que prevalece en torno a los ataques y violaciones contra los y las defensoras en Colombia y querría subrayar la importancia de que se lleven a cabo investigaciones prontas e imparciales, que los responsables sean traducidos en justicia y que las víctimas reciban una reparación adecuada.

128. La Relatora toma nota de las informaciones proporcionadas respecto al balance realizado en abril de 2013 y la nueva fase del Proceso Nacional de Garantías para la labor de las y los defensores de derechos humanos, la cual tendría como objetivo reforzar su eficacia y lograr su descentralización. En este sentido, la Relatora agradece la información acerca de la asesoría y asistencia técnica que las autoridades centrales brindan a las entidades territoriales a través de los Planes Integrales de Prevención y Protección. Asimismo, la Relatora toma nota del establecimiento de un espacio técnico de protección y otro de investigación con el objetivo de formular recomendaciones de políticas y/o estrategias de lucha contra la impunidad.

## Costa Rica

129. JUA 02/04/2012[15] Case no.: CRI 2/2012 State reply: 01/02/2013

**Supuesto allanamiento y robo en la sede de una organización de derechos humanos.**

**Observaciones**

130. La Relatora agradece al Gobierno la respuesta recibida a la comunicación enviada durante el periodo anterior (CRI 2/2012)[16] aunque lamenta la tardanza en el envío de dicha respuesta. La Relatora considera que las alegaciones recibidas son preocupantes y agradece los esfuerzos por parte de las autoridades en ponerse en contacto con la presunta víctima. Asimismo, confía en que las alegaciones serán debidamente investigadas y los culpables serán llevados ante la justicia. La Relatora toma nota de la acción del Gobierno procurando facilitar el camino para que se discuta un proyecto de ley referente a los derechos de las personas lesbianas, gays, bisexuales, transexuales e intersex.

[15] Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

[16] A/HRC/22/47/Add.4, paras. 113 - 114

## Cuba

131. JUA 28/03/2013 Case no: CUB 1/2013 State reply: 21/05/2013

**Supuesto uso excesivo de la fuerza y agresión física contra de una defensora de los derechos humanos, y supuesta negación de atención médica.**

132. JAL 23/07/2013 Case no: CUB 4/2013 State reply: 19/08/2013

**Presuntos actos de intimidación y represalias contras dos abogadas y defensoras de derechos humanos por su cooperación con el Comité de Naciones Unidas para la Discriminación contra la Mujer durante la 55 sesión del mismo.**

133. JUA 04/11/2013 Case no: CUB 5/2013 State reply: 06/01/2014

**Presunto incremento de actos de acoso, conocidos como "actos de repudio", llevados a cabo por agentes del Estado y grupos de vigilantes, que tienen como objetivo intimidar a defensores y defensoras de derechos humanos en sus propias casas.**

**Observaciones**

134. La Relatora agradece las respuestas recibidas a todas las comunicaciones enviadas durante el periodo del presente informe y toma nota de la información detallada respecto al tratamiento médico proporcionado a la Sra. Yris Tamara Pérez Aguilera. Sin embargo, la Relatora lamenta que, en el momento de la finalización de este informe, no se haya recibido respuesta a la comunicación enviada durante el periodo anterior, con fecha de 23 de noviembre de 2012.[17]

135. La Relatora se muestra preocupada por las alegaciones recibidas durante el periodo del presente informe indicando la existencia de actos de intimidación y represalias contra defensoras de derechos humanos por su cooperación con el Comité de Naciones Unidas para la Discriminación contra la Mujer durante la 55 sesión del mismo. Si bien toma nota de la respuesta del Gobierno a su comunicación al respecto, la Relatora querría subrayar la resolución 22/6, adoptada el 21 de marzo del 2013 por el Consejo de Derechos Humanos, la cual reafirma inequívocamente el derecho o de toda persona, individual o colectivamente, "al libre acceso y a la comunicación con los órganos internacionales, en particular las Naciones Unidas, sus representantes y sus mecanismos en la esfera de los derechos humanos, entre ellos el Consejo de Derechos Humanos, sus procedimientos especiales, el mecanismo del examen periódico universal y los órganos de tratados, así como los mecanismos regionales de derechos humanos".[18]

136. La Relatora reitera su preocupación sobre el difícil contexto que se da en el país para los que intentan ejercer el derecho a la libertad de opinión y expresión, de reunión pacífica y libre asociación, en particular para las y los defensores de derechos humanos los cuales son detenidos arbitrariamente antes, durante y después de participar en manifestaciones. La Relatora señala que el ejercicio de estos derechos básicos es fundamental para que las y los defensores puedan llevar a cabo su legítimo trabajo.

137. La Relatora se muestra asimismo preocupada por las alegaciones recibidas indicando la existencia de un patrón de actos de intimidación y acoso a defensores y defensoras de derechos humanos en sus propias casas, lo cual se conoce como acto de

[17] A/HRC/22/47/Add.4, paras. 119
[18] A/HRC/Res/22/6/OP13

repudio. En dichos actos de repudio, se alega que grupos de personas afines al Gobierno acosan, amenazan, insultan y atacan a defensores y defensoras de derechos humanos. La Relatora toma nota de la respuesta del Gobierno a su comunicación sobre este asunto y se pone a su disposición para asesorarle acerca de las medidas necesarias para establecer y consolidar un entorno seguro y propicio para que los defensores y defensoras puedan llevar a cabo su trabajo, incluyendo un marco legal, institucional y administrativo favorable.

## Czech Republic

138. JAL 21/02/2013 Case no: CZE 1/2013 State reply: 23/04/2013

**Alleged eviction from its office premises of the civil society organisation Vzájemné Soužití.**

**Observations**

139. The Special Rapporteur would like to thank the Government for the response received to the communication sent during the reporting period. She takes note that the property was vacated due to the existence of direct risks to the health of tenants, and trusts that a solution aceptable to everyone will be found so that the activities of the organisation will not be disproportionately affected by the situation.

## Ecuador

140. JAL 16/09/2013 Case no: ECU 1/2013 State reply: 06/12/2013

Pre unta restricción indebida del derecho de asociación mediante la expedición del Decreto Ejecutivo No. 16

141. JAL 04/10/2013 Case no: ECU 2/2013 State reply: 29/11/2013

**Alegaciones de condena a 12 años de presión por el delito de terrorismo organizado de tres líderes indígenas.**

**Observaciones**

142. La Relatora Especial agradece al Gobierno los acuses de recibo a las dos comunicaciones enviadas durante el periodo del presente informe y queda a la espera de recibir respuestas sustantivas lo antes posible, dada la seriedad de las alegaciones presentadas. La Relatora querría señalar su preocupación respecto a las alegaciones recibidas indicando que diversos aspectos del Decreto No. 16, respecto al Sistema Unificado de Información de las Organizaciones Sociales y Ciudadanas, pudieran restringir indebidamente el derecho a la libertad de asociación.

## Egypt

143. JAL 19/01/2012[19] Case no.: EGY 2/2012 State reply: 04/04/2013

**Alleged violence against women by the Egyptian military in the context of the protests that took place in Cairo in November and December 2011.**

[19] Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

144. JUA 11/01/2013 Case no: EGY 1/2013 State reply: none to date

**Allegations of violence in the context of protests in Cairo, including killings, injuries and acts of torture and sexual harassment.**

145. JUA 16/01/2013 Case no: EGY 2/2013 State reply: none to date

**Alleged arrest and detention of a freelance journalist, and judicial harassment of further journalists for peacefully criticising the President and the Government.**

146. JUA 11/02/2013 Case no: EGY 3/2013 State reply: none to date

**Allegation of repeated excessive use of force and physical assaults against protesters; and the adoption of emergency orders resulting in further restrictions to fundamental freedoms.**

147. JAL 12/02/2013 Case no: EGY 4/2013 State reply: none to date

**Allegations of two draft laws on associations and on assembly which, if passed, would severely restrict the right to freedom of association and of peaceful assembly.**

148. JAL 20/03/2013 Case no: EGY 5/2013 State reply: 19/05/2013

**Allegations on a new draft law on associations which, if passed without changes, would violate international law and standards pertaining to the right to freedom of association.**

149. JAL 20/06/2013 Case no: EGY 9/2013 State reply: 22/01/2014

**Allegations that sentences issued by the Cairo Criminal Court form part of a campaign aimed at unduly restricting the work carried out by civil society organisations.**

150. JUA 30/08/2013 Case no: EGY 13/2013 State reply: 04/10/2013
26/10/2013

**Allegations regarding the escalating violence and intimation against journalists and the media in Egypt.**

151. JAL 16/09/2013 Case no: EGY 14/2013 State reply: none to date

**Alleged issuance of an arrest warrant against human rights defender.**

**Observations**

152. The Special Rapporteur thanks the Government of Egypt for providing detailed responses to her communication sent on 20 March 2013 regarding a draft law on civil society organisations and her communication sent on 30 August 2013 regarding alleged violence and intimidation against journalists. The Special Rapporteur regrets that no reply has been received from the Government to any of the six other communications sent during the reporting period, particularly due to the serious allegations that were raised therein. However, she thanks the Government for the response received to the communication sent during the previous reporting period (dated 19 January 2012)[20].

153. The Special Rapporteur wishes to express her deep concern regarding excessive use of force by the police against peaceful demonstrators and human rights defenders, including women and children. She is particularly concerned regarding reports that she has received of killings, serious injuries, acts of torture and sexual harassment of demonstrators. She also expresses her concern regarding the apparent lack of intervention of the police and security agents to protect demonstrators. She expresses her sincere hope that these cases will be duly

[20] A/HRC/22/47/Add.4, para. 130

investigated, that perpetrators will be brought to justice and that the victims will obtain adequate redress.

154. The Special Rapporteur remains concerned about violence and intimidation, arbitrary arrests and judicial harassment against journalists and media workers in relation to their peaceful and legitimate work in denouncing human rights violations. The Special Rapporteur would like to reiterate that the State has a duty to protect and to provide a safe and enabling environment for human rights defenders to conduct their work.

155. The Special Rapporteur further wishes to express concern regarding undue restrictions of the peaceful work carried out by civil society organisations and the intimidation of these organisations. She expresses particular concern regarding the sentencing of 43 NGO workers and the closure of the offices of a number of international organisations in Egypt by the Cairo Criminal Court, as mentioned in the communication dated 20 June 2013.

156. The Special Rapporteur would like to reiterate the concerns that she voiced in a joint press release published on 28 March 2013 regarding the proposed draft law on civil society organisations and that the provisions contained therein may be used to hamper the legitimate work of civil society organisations.[21] However, she welcomes the intention communicated by the Government to continue to consult with relevant expert bodies and agencies regarding the draft law and to provide updates on the status of the national debate on this issue.

157. The Special Rapporteur regrets that so far no reply has been received in response to her multiple requests to visit Egypt (2008, 2010, 2012) to enable her to gain a better understanding of the situation of human rights defenders in the country. She expresses her hope that the Government will respond favourably to this request and she remains available to provide guidance and assistance the Government might require.

## El Salvador

158. JAL 28/11/2013 Case no: SLV 3/2013 State reply: 29/01/2014

**Presunto allanamiento y destrucción de documentos y materiales de una organización y actos violentos e intimidatorios contra varios integrantes de la misma.**

**Observaciones**

159. La Relatora Especial agradece la respuesta detallada del Gobierno a la comunicación enviada durante el periodo del presente informe. La Relatora toma nota de la acción del Estado respecto a las medidas cautelares otorgadas por la Comisión Interamericana de Derechos Humanos a la organización Pro-Búsqueda y agradece la información proporcionada acerca de las investigaciones en curso y las medidas de protección adoptadas. Asimismo, la Relatora considera positivo que diferentes instancias estatales emitieran de forma inmediata comunicados públicos de condena del ataque violento contra la sede de la organización y de apoyo a su trabajo.

[21] "Egypt: NGO Bill infringes international standards – UN rights experts urge legislators to reject it" (28/03/2013): http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13190&LangID=E

## Gambia

160. JUA 18/12/2012 Case no: GMB 2/2012 State reply: 19/12/2013

**Alleged arrest and continued detention of human rights defender.**

161. JAL 16/07/2013 Case no: GMB 1/2013 State reply: none to date

**Alleged lack of compliance of the amended Information and Communication Act with international human rights law.**

**Observations**

162. The Special Rapporteur takes note of the acknowledgement of receipt for the communication sent on 18 December 2012. However, she regrets that, at the time of the finalisation of this report, no substantive responses had been transmitted to the two communications sent during the reporting period.

163. The Special Rapporteur expresses her concern regarding the reports that she has received of alleged arbitrary detention of a human rights defender in an unknown location, including the denial of access to legal representation and family members. According to the information received, the individual was released after five months.

164. The Special Rapporteur also expresses her concern regarding the amendment to the Information and Communication Act by the Gambian National Assembly in June 2013. The Amended Act allegedly imposes maximum 15-year imprisonment and a fine of up to approximately 82,000 USD if found guilty of writing or spreading false information online including cartoons or satirical comedies. The Special Rapporteur is further concerned that this Act could be part of a broader campaign aiming to silence dissenting voices expressing critical views about public policy and issues of public interest, which she believes could hamper the work of those who defend and promote human rights.

## Georgia

165. JAL 13/06/2013 Case no: GEO 1/2013 State reply: none to date

**Alleged lack of effective protection provided to demonstrators during the International Day against Homophobia and subsequent threats made against members of an LGBT organisation.**

**Observations**

166. The Special Rapporteur regrets that, at the time finalising this report, there had been no response to the communication sent during the reporting period. While taking note of the public statements made by relevant authorities in relation to the incidents that took place during the demonstration on 17 May 2013, the Special Rapporteur trusts that a response will be provided shortly given the concerns expressed regarding the lack of sufficient and effective protection afforded to LGBTI defenders trying to exercise their legitimate right to freedom of opinion and expression through a peaceful demonstration.

## Greece

167. JAL 21/12/2012 Case no: GRC 3/2012 State reply: 04/03/2013

**Alleged arbitrary refusal to revoke decisions denying registration to groups defending minority rights.**

**Observations**

168. The Special Rapporteur would like to thank the Government for the response provided to the communication sent during the reporting period. She takes note of the indications that the relevant judgments by the European Court of Human Rights, which found violation of article 11 of the European Convention on Human Rights, are pending due to procedural reasons and the fact that the mentioned organisations are able to carry out their activities despite the fact that they are not formally registered. However, the Special Rapporteur urges the Government to expedite the implementation of such decisions so that the right to associate freely is not unduly restricted. She would also like to underline that NGOs and associations should be allowed to exist and carry out activities without having to register if they so wish.[22]

## Guatemala

169. JUA 30/11/2012[23] Case no.: GTM 8/2012 State reply: 26/03/2013

**Alegaciones acerca de actos de estigmatización y desprestigio, incluyendo incitación a la violencia, contra prominentes defensoras/defensores y organizaciones de los derechos humanos.**

170. JUA 15/03/2013 Case no: GTM 2/2013 State reply: 09/09/2013

**Alegaciones de existencia de un clima de violencia e intimidación en contra de abogados, jueces, fiscales y otros sujetos procesales, que actualmente se padece en el país.**

171. JUA 27/03/2013 Case no: GTM 3/2013 State reply: none to date

**Presuntos asesinatos, amenazas y secuestros.**

172. JAL 17/05/2013 Case no: GTM 5/2013 State reply: none to date

**Supuestos actos de desprestigio e intimidación contra una organización de derechos humanos.**

173. JAL 05/08/2013 Case no: GTM 6/2013 State reply: none to date

**Presuntos asesinatos, ataques y actos de intimidación y desprestigio contra defensores y defensoras de derechos medioambientales.**

174. JUA 10/09/2013 Case no: GTM 7/2013 State reply: none to date

**Asesinatos de los periodistas Luis de Jesús Lima y Carlos Orellana y supuestas intimidaciones contra profesionales de la prensa en Guatemala.**

175. JAL 20/09/2013 Case no: GTM 8/2013 State reply: none to date

**Supuestas amenazas e intimidaciones contra un magistrado de la Corte Suprema de Justicia.**

176. JUA 30/10/2013 Case no: GTM 9/2013 State reply: 06/01/2014

**Amenazas de muerte e intimidaciones a una jueza en Guatemala.**

[22] A/64/226, para. 59

[23] Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

**Observaciones**

177. La Relatora Especial agradece las respuestas recibidas a dos de las siete comunicaciones enviadas durante el periodo del presente informe. Asimismo, agradece la respuesta recibida a su comunicación enviada con fecha de 30 de noviembre de 2012 (GTM 8/2012)[24] recibida el 26 de marzo de 2013. En especial, la Relatora agradece la información detallada acerca de las medidas de protección adoptadas por parte de las autoridades pero toma nota con preocupación del descenso en el número de respuestas recibidas, en el momento de finalizar el presente informe, en comparación con el periodo del anterior informe.[25]

178. La Relatora Especial reitera su preocupación por el grado de violencia y los graves ataques que sufren los defensores y defensoras de derechos humanos en Guatemala, en particular por los asesinatos y ataques a su integridad física. La Relatora confía en que las investigaciones en curso se completen de forma pronta y adecuada de cara a esclarecer los hechos, depurar responsabilidades y llevar a los culpables de la violencia ante la justicia.

179. La Relatora señala con preocupación el alto grado de riesgo al que se enfrentan los abogados, jueces y otros sujetos procesales; los defensores y defensoras que trabajan por los derechos de los pueblos indígenas y campesinos; los que trabajan en defensa de los derechos medioambientales y el acceso a la tierra a menudo en el contexto de las operaciones de industrias energéticas y extractivas; y los periodistas. En este contexto, la Relatora querría reiterar que la protesta social pacífica es, además de un derecho fundamental, un elemento esencial en sociedades democráticas y participativas, y que cualquier restricción del mismo debe ser sujeta al más estricto escrutinio, respetando los principios básicos de legalidad, necesidad y proporcionalidad.

180. Durante el presente periodo de informe, la Relatora publicó junto con otros titulares de mandatos dos comunicados de prensa acerca del proceso de reconciliación y justicia en el país.[26] La Relatora Especial se muestra especialmente preocupada por las amenazas, campañas de descrédito e intimidaciones contra operadores de justicia, víctimas, testigos y defensores de derechos humanos involucrados en los procesos judiciales para el esclarecimiento de responsabilidades y lucha contra la impunidad por crímenes y atrocidades cometidos durante el período del conflicto armado.

181. La Relatora Especial se permite reiterar que, en el presente contexto, es esencial que las autoridades se pronuncien públicamente apoyando la importante labor que llevan a cabo los defensores y defensoras de derechos humanos en sociedades plurales y democráticas.

## Haiti

182. JUA 03/01/2013 Case no: HTI 2/2012 State reply: none to date

**Allégation d'une tentative d'assassinat contre un avocat défenseur des droits de l'homme.**

[24] A/HRC/22/47/Add.4, paras. 172

[25] A/HRC/22/47/Add.4, paras. 165 - 176

[26] "Guatemala: "Justicia, la mejor garantía para que no se repitan las atrocidades" – expertos de la ONU" (15/05/2013): http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=13330&LangID=S; y "Guatemala: "Sin justicia no puede haber una reconciliación justa y duradera" – expertos de la ONU" (18/04/2013): http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=13249&LangID=S

183. JAL 02/08/2013 Case no: HTI 1/2013 State reply: none to date

**Allégations de meurtre et d'agressions physiques à l'encontre de personnes homosexuelles ainsi que de menaces reçues par des associations défendant les droits des personnes lesbiennes, gays, bisexuels et transgenres (LGBT).**

184. JUA 21/10/2013 Case no: HTI 2/2013 State reply : none to date

**Allégations d'une attaque et d'une série d'actes d'intimidation et de menaces contre deux femmes défenseures des droits de l'homme.**

**Observations**

185. La Rapporteuse Spéciale regrette qu'au moment de la finalisation du rapport, aucune réponse n'ait été reçue aux communications envoyées pendant la période couverte par le présent rapport.

186. La Rapporteuse spéciale exprime de sérieuses préoccupations par rapport à des informations reçues concernant des meurtres, agressions physiques, actes d'intimidation et menaces de mort à l'encontre de défenseurs des droits de l'homme. La Rapporteuse Spéciale reste très préoccupée quant à la vie et intégrité physique et psychologique des défenseurs des droits de l'homme en Haïti, surtout celles et ceux qui œuvrant pour la protection des droits des personnes lesbiennes, gais, bisexuelles et transgenre.

## Honduras

187. JAL 21/02/2013 Case no: HND 1/2013 State reply: 25/03/2013

**Presunto asesinato de miembros de movimientos campesinos que operan en la zona del Bajo Aguán.**

188. JAL 18/06/2013 Case no: HND 2/2013 State reply: none to date

**Alegaciones de asesinato de los Sres. Valentín Avelar Caravante, Sr. Celso Victorino Ruiz Martínez, y Sra. Marilú Miranda Orellana, y lesiones de gravedad sufridas por los Sres. Adolfo Melgar y. Santos Aníbal Melgar Vargas.**

189. JUA 27/08/2013 Case no: HND 4/2013 State reply: 20/09/2013

**Presunto asesinato, amenazas y otros actos intimidatorios en contra de defensores de derechos medio-ambientales, derechos a la tierra, y derechos de los pueblos indígenas.**

190. JAL 29/08/2013 Case no: HND 5/2013 State reply: none to date

**Presunto asesinato y agresión a integrantes de la comunidad de la Diversidad Sexual de Honduras.**

**Observaciones**

191. La Relatora Especial agradece las respuestas recibidas a dos de las cuatro comunicaciones enviadas durante el periodo del presente informe con detalles acerca de las medidas adoptadas respecto a algunos de los casos. Sin embargo, lamenta que, en el momento de finalizar este informe, no se había recibido respuesta a dos de las comunicaciones enviadas.

192. La Relatora Especial reitera su honda preocupación por el clima de violencia e inseguridad en el que operan los defensores en Honduras. En este sentido, la Relatora se muestra consternada por el clima de violencia, los asesinatos, ataques y hostigamiento contra defensores y defensoras que trabajan en temas relacionados con el acceso a la tierra,

que a menudo afecta a comunidades campesinas e indígenas en zonas donde operan empresas energéticas o extractivas.

193. A la Relatora también la preocupa la situación de riesgo extremo a la que se enfrentan aquellos que trabajan por los derechos de las personas lesbianas, gays, bisexuales, transgénero e intersexuales (LGBTI). La Relatora Especial se muestra preocupada por la posible contrarreforma del artículo 321 del Código Penal, que tendría supuestamente por objetivo derogar la parte del artículo que pretendía acabar con la discriminación de la identidad de género y orientación sexual.

194. En conexión con lo anterior, la Relatora Especial lamenta que tanto el proyecto de ley para la protección de los y las defensoras de derechos humanos y los periodistas, como el mecanismo nacional de protección, estén aún a la espera de ser adoptados y establecidos respectivamente. La Relatora confía que se lleven a cabo las consultas necesarias para garantizar un proceso lo más participativo posible en el diseño, adopción e implementación de dicha ley y mecanismo.

195. En este contexto, la Relatora Especial se muestra preocupada por el alto grado de impunidad que prevalece respecto a las agresiones y violaciones de los derechos de los defensores y defensoras – sobre todo los siete asesinatos mencionados en las comunicaciones enviadas durante el periodo del presente informe – e insta al Gobierno a que tome las medidas necesarias para que estos actos sean investigados de forma pronta y adecuada, que los culpables respondan ante la justicia y que las víctimas obtengan reparación adecuada.

## Hungary

196. JUA 16/05/2013 Case no: HUN 2/2013 State reply: none to date

**Alleged harassment, intimidation and physical attack against a human rights defender.**

**Observations**

197. The Special Rapporteur regrets that, at the time of finalising this report, there had been no response to the communication sent during the reporting period. She trusts that a response will be provided shortly given the seriousness of the allegations brought to her attention and the concerns about the physical and psychological integrity of Mr. Szollosi and his family.

## India

198. JAL 15/02/2012[27] Case no.: IND 3/2012 State reply: 06/08/2013

**Alleged killing of human rights defender.**

199. JAL 20/02/2013 Case no: IND 2/2013 State reply: 21/02/2013

**Alleged forced eviction of over 5,000 people living in economically weaker section (EWS) quarters in Koramangala, Bangalore.**

[27] Although this communication was sent before the reporting period, a reply was received during the period covered by this report

200. JAL 08/03/2013 Case no: IND 4/2013 State reply: none to date

**Alleged killing of a human rights defender and attempted killing of another defender.**

201. JAL 11/06/2013 Case no: IND 7/2013 State reply: none to date

**Alleged forced eviction of residents living in Jagatsinghpur District, Odisha, and surrounding areas in India.**

202. JAL 04/07/2013 Case no: IND 8/2013 State reply: none to date

**Allegations of arbitrary detention and forcible dispersal of women human rights defenders in the context of a peaceful protest in West Bengal.**

**Observations**

203. The Special Rapporteur takes note of the acknowledgement of receipt for the communication sent on 20 February 2013. She regrets that, at the time of the finalisation of this report, no substantive responses had been transmitted to the four communica..ons sent during the reporting period and she trusts that the Government will provide responses to these communications shortly. The Special Rapporteur thanks the Government for the response provided to a communication sent during the previous reporting period (dated 15 February 2012).[28]

204. The Special Rapporteur expresses grave concern regarding information that she has received of the alleged killing of a human rights defender and attempted killing of another defender, as mentioned in the communication dated 8 March 2013. She expresses her sincere hope that these cases will be duly investigated, that perpetrators will be brought to justice and that the families of the victims that were killed will obtain adequate redress. The Special Rapporteur would like to reiterate that the State has a duty to protect and to provide a safe and enabling environment for human rights defenders to conduct their work.

205. The Special Rapporteur expresses further concern regarding reports of harassment and intimidation and the arbitrary detention of human rights defenders, including women human rights defenders, participating in peaceful protests.

## Indonesia

206. JAL 23/09/2013 Case no: IDN 4/2013 State reply: none to date

**Alleged arbitrary dispersal and arrests of a total of 71 peaceful protestors in Papua.**

**Observations**

207. The Special Rapporteur regrets that, at the time of finalising this report, no reply had been received from the Government of Indonesia to the joint allegation letter sent during the reporting period.

208. The Special Rapporteur expresses concerns about information received on alleged restrictions on the right to freedom of peaceful assembly in Indonesia, including the arbitrary dispersal, arrests and detention of peaceful protestors and the denial of a permit to hold a demonstration. She would like to reiterate her concerns that certain provisions in the Bill on Mass Organisations will hamper the legitimate human rights work of civil society in Indonesia, in particular of foreign societal organisations, which she voiced in the joint press

[28] A/HRC/22/47/Add.4, para. 197

release published on 14 February 2013.[29] The Special Rapporteur would like to reiterate that the State has a duty to protect and to provide a safe and enabling environment for human rights defenders to conduct their work.

209. The Special Rapporteur regrets that so far no reply has been received in response to her request to visit Indonesia (2012) to enable her to gain a better understanding of the situation of human rights defenders in the country. She expresses her hope that the Government will respond favourably to this request and she remains available to provide guidance and assistance the Government might require.

## Iran (Islamic Republic of)

210. JUA 21/01/2013 Case no: IRN 3/2013 State reply: none to date

**Alleged continued harassment of a woman human rights defender, including a summons received to start serving her prison sentence received for demanding justice for victims.**

2011. JUA 31/01/2013 Case no: IRN 6/2013 State reply: none to date

**Alleged arrest and detention of 15 journalists and arrest warrants issued for at least a further three.**

2012. JUA 05/07/2013 Case no: IRN 10/2013 State reply: 18/12/2013

**Alleged arbitrary arrest and detention of Messrs. Khosro Kordpour, Massoud Kordpour, Ms. Jamileh Karimi, Messrs. Ashkan Zahabian, Afshin Keshtkari and Mahmoud Beheshti Langroudi, in the lead up to the Presidential elections of 14 June 2013.**

2013. JUA 18/11/2013 Case no: IRN 22/2013 State reply: none to date

**Alleged sentencing of human rights lawyer in Iran to 6 years of prison.**

**Observations**

2014. The Special Rapporteur welcomes the response to her communication dated 5 July 2013. However, she regrets that no responses have been received to the remaining three communications sent to the Government of the Islamic Republic of Iran during the present reporting period. The Special Rapporteur notes that there are two communications left unanswered from the previous reporting period (IRN 1/2012; 24/2012).[30]

2015. The Special Rapporteur expresses her renewed concern regarding information received at the Government of the Islamic Republic of Iran's alleged use of charges including 'national security' and propaganda against the system to restrict the peaceful work of human rights defenders in the Islamic Republic of Iran. The Special Rapporteur is alarmed that overly broad interpretations of such charges may result in disproportionate and undue restrictions on the fundamental rights of human rights defenders to carry out their legitimate and peaceful activities in defence and promotion of human rights. Further, she reiterates her grave concern at the conditions in which human rights defenders are held in Iranian prisons.

[29] "Indonesia: "Restrictive bill threatens freedoms of association, expression and religion," warn UN rights experts" (14/02/2013) http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12989&LangID=E

[30] A/HRC/22/47/Add.4, paras. 212 and 215

2016. The Special Rapporteur would like to reiterate the concerns that she voiced in a joint press statement dated 5 February 2013 regarding mass arrests and detention of journalists in Iran.[31]

2017. The Special Rapporteur welcomes the positive steps taken by the Government of the Islamic Republic of Iran in releasing prisoners of conscience, including the release of human rights lawyer, Ms Nasrin Sotoudeh on 18 September 2013. However, she remains concerned that a number of lawyers and human rights defenders are currently serving lengthy sentences due to their work. She urges the Government of Iran to take immediate steps to ensure that human rights defenders are able to carry out their work in a safe and enabling environment without fear of detention, harassment and prosecution. She remains available to provide any guidance or assistance that the Government might require in this regard.

## Iraq

2018. JUA 29/11/2012[32] Case no.: IRQ 6/2012 State reply: 15/02/2013

**Alleged arrest, detention and violation of due process of human rights defender.**

2019. JAL 25/10/2013 Case no: IRQ 6/2013 State reply: none to date

**Alleged killings of three media professionals.**

**Observations**

220. The Special Rapporteur regrets that at the time of the finalisation of this report, the Government had not transmitted a reply to her communication sent during the reporting period. However, she thanks the Government for its response to a communication sent in the previous reporting period (dated 29 November 2012),[33] and welcomes the decision to release Mr Ahmed Al Shami on 13 December 2012.

221. The Special Rapporteur expresses grave concern with regard to reports that she has received of killings of media professionals and journalists in Iraq over the past decade. The Special Rapporteur expresses further concern that the right to freedom of opinion and expression of media professionals in Iraq is severely restricted by the lack of a safe and enabling environment in which to perform their work independently and without undue interference, harassment and threats to their physical and psychological integrity. She expresses her sincere hope that these cases will be duly investigated, that perpetrators will be brought to justice and that the families of the victims that were killed will obtain adequate redress. The Special Rapporteur would like to reiterate that the State has a duty to protect and to provide a safe and enabling environment for human rights defenders to conduct their work.

## Israel

222. JAL 20/12/2012 Case no: ISR 13/2012 State reply: none to date

**Alleged raids on several NGO offices in Ramallah.**

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[31] "UN experts call on Iran to stop journalist arrests and release those detained" (5/02/2013): http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12967&LangID=E

[32] Although this communication was sent before the reporting period, a reply was received during the period covered by this report

[33] A/HRC/22/47/Add.4, para. 223

223. JUA 27/03/2013 Case no: ISR 4/2013 State reply: none to date

**Alleged arrest, ill-treatment and arbitrary detention of a human rights defender.**

224. JUA 02/08/2013 Case no: ISR 7/2013 State reply: none to date

**Alleged judicial harassment, stigmatisation, physical attacks, allegations of torture in custody, possible acts of reprisals and an assassination attempt against a human rights defender.**

**Observations**

225. The Special Rapporteur regrets that at the time of the finalisation of this report, the Government had not transmitted a reply to any of her three communications sent during the reporting period. She wishes to express her concern at the reported increased restrictions to the activities of human rights defenders working in Israel and the Occupied Palestinian Territory, including raids on human rights organisations in Ramallah. She is also concerned regarding information she has received concerning arrests and arbitrary detention of human rights defenders, and allegations of torture or other cruel, inhumane or degrading treatment or punishment and the denial of access to a lawyer. The Special Rapporteur would like to reiterate that the State has a duty to protect and to provide a safe and enabling environment for human rights defenders to conduct their work.

226. The Special Rapporteur also expresses concern regarding the Government's alleged justification for these arrests, raids and seizures, including 'terrorist' or 'illegal' affiliation. She is concerned that this may be based on an overly broad definition of terrorism, leading in consequence to restrictions on human rights defenders' right to freedom of opinion and expression, and on their ability to effectively carry out their legitimate and peaceful human rights activities.

227. The Special Rapporteur expresses serious concern at the allegations of ongoing judicial harassment against Mr. Issa Amro and the intimidation directed against him and members of Youth Against Settlement (YAS), as mentioned in the communication dated 2 August 2013. The Special Rapporteur would like to reiterate her concerns that this could be as a result of Mr. Amro's co-operation with UN bodies as expressed in the joint public statement published on 13 August 2013[34]. Furthermore, she reminds the Government of Israel that everyone has the right to "unhindered access to and communicatin with international bodies".[35] She would like to reiterate her concern for Mr. Amro's physical and psychological integrity, given the attacks against him and the YAS centre and the seriousness of the allegations, namely that he has received a number of death threats and that he was tortured while in custody.

## Kazakhstan

228. JUA 05/12/2012 Case no: KAZ 7/2012 State reply: 29/01/2013

**Alleged sentencing of the chair of the Co-ordination Committee of the People's Party — "Alga!" and lawsuit against independent media outlets in the wake of his trial.**

[34] "Israel must stop harassment, intimidation and abusive treatment of rights defender Issa Amro" (13/08/2013) http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13626&LangID=E

[35] A/HRC/RES/22/6/OP13

229. JUA 15/01/2013 Case no: KAZ 1/2013 State reply: 11/02/2013

**Alleged conviction of human rights defender following alleged ill-treatment while in detention and violations of fair trial standards.**

230. JUA 22/03/2013 Case no: KAZ 2/2013 State reply: 27/05/2013

**Alleged imminent risk to the physical and psychological integrity of a human rights defender, who was sentenced to 12 years of imprisonment after proceedings that did not comply with the international standards of fair trial, access to legal assistance, freedom from torture and arbitrary detention.**

231. JUA 22/08/2013 Case no: KAZ 4/2013 State reply: none to date

**Alleged psychiatric detention of two mentally fit human rights defenders.**

**Observations**

232. The Special Rapporteur would like to thank the Government for the three replies received to the four communications sent during the reporting period. She is concerned that, at the time of finalising this report, no reply had been received to the communication sent on 22 August 2013 on the situation of human rights lawyer, Ms. Zinaida Moukhortova, regarding allegations received indicating that she had been subject to forced psychiatric treatment. The Special Rapporteur considers the allegations very serious and trusts that a response will be provided shortly.

233. The Special Rapporteur would like to reiterate her concern regarding the situation of Mr. Vadim Kuramshin, as mentioned in the communication dated 22 March 2013. She is concerned about his physical and psychological integrity, and the allegations received reiterating that it is directly linked to his human rights activities.

234. The Special Rapporteur would like to thank the Government of Kazakhstan for responding favourably to her requests to visit the country (2011, 2012) and regrets that she was not able to carry out a visit before the end of her tenure.

## Kenya

235. JAL 28/03/2013 Case no: KEN 1/2013 State reply: none to date

**Alleged undue blanket restrictions on public gatherings.**

236. JUA 31/07/2013 Case no: KEN 3/2013 State reply: none to date

**Alleged harassment and intimidation of families of victims of enforced disappearances and of eight human rights defenders from a local NGO for perceived cooperation with the Working Group on Enforced and Involuntary Disappearances (WGEID).**

237. JAL 04/09/2013 Case no: KEN 4/2013 State reply: none to date

**Alleged killing of a member of a human rights organisation.**

238. JUA 26/09/2013 Case no: KEN 5/2013 State reply: none to date

**Alleged killing of human rights lawyer and alleged harassment and intimidation of families of victims of enforced disappearances and human rights defenders, including for cooperating with the Working Group on Enforced and Involuntary Disappearances.**

239. JUA 23/09/2013 Case no: KEN 6/2013 State reply: none to date

**Allegations of threats against a human rights defender and his family.**

240. JAL[36] 15/11/2013 Case no: KEN 8/2013 State reply: none to date

**Alleged legislative developments that could unduly restrict the rights to freedom of association and expression.**

**Observations**

241. The Special Rapporteur deeply regrets that, at the time of the finalisation of this report, no response had been transmitted to any of the six communications sent during the reporting period, particularly due to the serious allegations that were raised therein.

242. The Special Rapporteur expresses grave concern regarding information that she has received of alleged killings of human rights defenders and harassments and intimidation of human rights defenders and their families. She urges the Government to duly investigate these cases and ensure that perpetrators will be brought to justice and that the families of the victims that were killed will obtain adequate redress. The Special Rapporteur would like to reiterate that the State has a duty to protect and to provide a safe and enabling environment for human rights defenders to conduct their work.

243. The Special Rapporteur expresses particular concern regarding information that she has received that the incidents of harassment and intimidation against human rights defenders and the killing of the human rights lawyer Mr. Peter Wanyama Wanyoni could be considered as reprisals for their cooperation with UN human rights mechanisms, in this case the Working Group on Enforced of Involuntary Disappearances. In this regard, she strongly urges the Government of Kenya to ensure that human rights defenders can carry out their legitimate activities in a safe and an enabling environment; this includes through safe and unhindered access to international human rights bodies such as the United Nations, its mechanisms and representatives in the field of human rights, without fear of harassment, stigmatisation or criminalisation of any kind.[37]

244. As mentioned in the communication dated 23 September 2013, the Special Rapporteur remains concerned regarding information that she has received of alleged threats by a militia group to burn down the house of Mr. Maina Kai, Special Rapporteur on the rights to freedom of peaceful assembly and of association, and his family. In this regard, the Special Rapporteur expresses further concern regarding information that she has received of increased intimidation and harassment of human rights defenders in Kenya engaged in fighting impunity and ensuring accountability for the 2007 and 2008 post-election violence and for their involvement in cases before the International Criminal Court.

245. She also expresses her concern regarding the security and the physical and psychological integrity of human rights defenders exercising their right to associate freely and assemble peacefully, following reports that she has received of excessive use of force by police and military forces during demonstrations and the use of firearms against demonstrations, which resulted in serious injuries and the death of one of the demonstrators.

246. The Special Rapporteur is also concerned with information that she has received regarding undue restrictions on freedom of peaceful assembly and association, including a blanket ban that was imposed on all public gatherings after the release of the results of the presidential election on 24 March 2013. She is also concerned regarding the alleged amendment of the Statute Law (Miscellaneous Amendments) Bill presented to Parliament on 30 October 2013, which lacks clarity and might be opened up to interpretations that would unduly limit the rights to freedom of association, opinion and expression. She would like to reiterate the concerns that she voiced in a joint press release on 3 December 2013

[36] This is actually an OL, but we should define that in the first page if we are going to say that.
[37] A/HRC/RES/22//OP13

that the amendments to the regulations of associations contained in the draft law could have profound consequences for civil society organisations in Kenya, including for those involved in human rights work, and could deter individuals from expressing dissenting views.[38]

## Kyrgyz Republic

247. JAL 30/09/2013 Case no: KGZ 2/2013 State reply: 22/11/2013

**Alleged proposed legal amendments, which would significantly impinge on the right to freedom of association and the right to defend human rights.**

**Observations**

248. The Special Rapporteur thanks the Government for the response received to the communication sent during the reporting period. She regrets that, at the time of finalising this report, the translation of the response into English was not available.

249. The Special Rapporteur reiterates her interest in visiting the country and regrets that to date her request to conduct such a visit (2012) has not received an answer.

## Lao People's Democratic Republic

250. JAL 20/12/2012 Case no: LAO 2/2012 State reply: none to date

**Allegations of expulsion of a staff member belonging to an international non-governmental organisation from the Lao People's Democratic Republic.**

251. JAL 20/12/2012 Case no: LAO 3/2012 State reply: 03/01/2013
25/03/2013
10/06/2013

**Allegations of enforced disappearance of a human rights defender working on issues of land grabbing and assisting victims to speak out about their experiences.**

252. JAL 11/10/2013 Case no: LAO 1/2013 State reply: 06/12/2013

**Alleged violation of the right to freedom of association**

**Observations**

253. The Special Rapporteur thanks the Government of Lao People's Democratic Republic (PDR) for the detailed responses transmitted to her communication sent 20 December 2012 and 11 October 2012. However, she regrets that no response has been received to the other communication sent during her reporting period.

254. With regards to the disappearance of Mr. Sombath Somphone, the Special Rapporteur expresses grave concern that his disappearance might be related to his legitimate work on land rights in Lao PDR. The Special Rapporteur takes note of the response from the Government of Lao PDR that the investigation is ongoing and that perpetrators will be brought to justice. She would like to reiterate the concerns that she voiced in a joint press release on 16 December 2013 that Mr. Somphone's disappearance might have a chilling effect on human rights defenders operating in the country, owing to

[38] "Kenya: Statute Law Bill poses grave threat to civil society and must be rejected – UN rights experts" (3/12/2013) : http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14055&

his high profile at the national and international levels.[39] In this regard, she urges the Government of Lao PDR to ensure that human rights defenders are able to carry out their work in a safe and enabling environment without fear of harassment of any sort.

255. With regards to the draft Guidelines for the implementation of the Prime Minister's Decree on International Non-Governmental Organisations, the Special Rapporteur welcomes the assurance from the Government of Lao PDR in the reply on 6 December 2013 that these Guidelines are a work in progress in consultation with all development partners and stakeholders, including International NGOs working in the country.

## Libya

256. JAL 09/01/2013 Case no: LBY 3/2012 State reply: none to date

**Alleged lack of compliance of new law on peaceful assembly with international standards related to freedom of peaceful assembly and to freedom of opinion and expression.**

**Observations**

257. The Special Rapporteur regrets that so far no reply has been received in response to her communication sent during the reporting period. In this connection, the Special Rapporteur expresses concern at the passing of Law no. 65/2012, which aims at regulating peaceful assembly in Libya. Several of the articles contained within the legislation do not comply with international human rights standards. For instance, article 4 reportedly provides for the establishment of a committee of organisers responsible for maintaining public order. Further, article 6 (a) reportedly gives the authorities the power to change the time and place of an assembly, which may prevent individuals from delivering their message to their target audience.

258. The Special Rapporteur calls on the Government of Libya to ensure a safe and conducive environment for human rights defenders in compliance with the Declaration on Human Rights Defenders, where their psychological and physical integrity is ensured, and where they do not face acts of harassment and intimidation.

## The former Yugoslav Republic of Macedonia

259. JUA 17/05/2013 Case no: MKD 1/2013 State reply: 21/06/2013

**Alleged attack on LGBT rights defenders.**

260. JUA 05/07/2013 Case no: MKD 2/2013 State reply: none to date

**Allegations of on-going harassment of lesbian, gay, bisexual, transgender and intersex (LGBTI) rights defenders.**

**Observations**

261. The Special Rapporteur thanks the Government for the reply transmitted to one of the two communications sent during the reporting period but regrets that, at the time of finalising this report, no response had been received to the communication sent on 5 July 2013. Concerning attacks and harassment of LGBTI defenders, the Special Rapporteur

[39] "A year on, the enforced disappearance of Sombath Somphone continues with impunity in Lao PDR" (16/12/2013): http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14103&LangID=E

takes note that an investigation is underway and looks forward to receiving additional information on the allegation in the communication sent on 17 May 2013.

262. Given the nature and profile of the allegations received during the reporting period, the Special Rapporteur would like to express her concern regarding the physical and psychological integrity of those working and advocating for the rights of LGBTI people and working to promote equality and non-discrimination, particularly in exercising their right to freedom of opinion and expression and of peaceful assembly.

## Malaysia

263. JAL 05/10/2012[40] Case no.: MYS 12/2012 State reply: 06/02/2013

**Allegations of on-going harassment of the non-governmental organisation Suara Rakyat Malaysia (SUARAM).**

264. JAL 12/02/2013 Case no: MYS 2/2013 State reply: none to date

**Allegations of on-going investigations against members of the non-governmental organisation Suara Rakyat Malaysia (SUARAM), under the Peaceful Assembly Act 2012.**

265. JUA 03/06/2013 Case no: MYS 4/2013 State reply: none to date

**Allegations of harassment and arrest of activists and political leaders participating in demonstrations following the conclusion of the last national elections on 5 May 2013**

266. JUA 19/06/2013 Case no: MYS 5/2013 State reply: none to date

**Allegations of new instances of harassment and arrest of activists and political leaders participating in demonstrations following the conclusion of the general election held on 5 May 2013.**

267. JAL 12/07/2013 Case no: MYS 6/2013 State reply: none to date

**Allegations of arrest of, and possible charges against, three organisers of a private screening of a human rights documentary.**

268. JAL 16/08/2013 Case no: MYS 8/2013 State reply: 20/08/2013

**Allegations of investigation of a human rights defender under the Sedition Act 1948.**

269. JAL 26/09/2013 Case no: MYS 10/2013 State reply: none to date

**Proceedings allegedly initiated against a human rights defender**

270. JAL 18/11/2013 Case no: MYS 12/2013 State reply: none to date

**Allegations of arrest of, and possible charges against, 19 demonstrators during a peaceful protest against the demolition of Kampung Hakka Mantin historical village, which could lead to the forced eviction of many local residents.**

### Observations

271. The Special Rapporteur takes note of the acknowledgement of receipt for the communication sent on 16 August 2013. She regrets that, at the time of the finalisation of

[40] Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

this report, no substantive response had been transmitted to the seven communications sent during the reporting period. The Special Rapporteur also notes that this is a significantly less favourable record compared to the substantive responses received to six of the seven communications sent during the previous reporting period.[41]

272. The Special Rapporteur expresses her concern regarding reports that she has received of harassment and undue investigations and arrests of staff and secretariat members of NGOs under section 9 of the Peaceful Assembly Act 2012 ("Notification of Assembly"), the Sedition Act 1948 and the Film Censorship Act 2002.

273. The Special Rapporteur also expresses her concern regarding incidents of excessive use of force against demonstrators and arrest of human rights defenders for organising peaceful demonstrations and rallies under the Peaceful Assembly Act.

274. The Special Rapporteur regrets that so far no reply has been received in response to her request to visit Malaysia (2010) to enable her to gain a better understanding of the situation of human rights defenders in the country. She expresses her hope that the Government will respond favourably to this request and she remains available to provide guidance and assistance the Government might require.

## Maldives

275. JUA 21/10/2013 Case no: MDV 4/2013 State reply: none to date

**Alleged undue investigation of three NGOs and threats directed towards the staff of one of them.**

**Observations**

276. The Special Rapporteur regrets that, at the time of the finalisation of this report, no response had been transmitted to the communication sent during the reporting period. The Special Rapporteur expresses her concern regarding the reports received of harassment and threats against the staff of NGOs. She is also concerned with regards to the investigation into NGOs and the threats of dissolving them. The Special Rapporteur urges the Government to take the necessary measures to ensure that an environment exists in which human rights defenders are able to carry out their activities without fear of persecution or restriction of any sort.

## México

277. JUA 15/03/2013 Case no: MEX 2/2013 State reply: none to date

**Presuntos actos de hostigamiento contra colaboradores de la Comisión de la Verdad para la Investigación de las Violaciones a los Derechos Humanos Durante la Guerra Sucia de los años sesenta y setentas del Estado de Guerrero.**

278. JAL 13/08/2013 Case no: MEX 7/2013 State reply: 25/10/2013

**Presunto secuestro de migrantes y amenazas de muerte y actos de intimidación contra defensores de los derechos de migrantes.**

[41] A/HRC/22/47/Add.4, paras. 258 - 270

279. JUA 06/11/2013 Case no: MEX 9/2013 State reply: 04/12/2013

**Presuntos arrestos, actos violencia por parte de las fuerzas del orden, denegación de tratamiento médico en detención así como amenazas contra defensoras de derechos humanos y sus familiares.**

280. JUA 26/11/2013 Case no: MEX 10/2013 State reply: none to date

**Presunto clima de violencia, intimidación y hostigamiento a defensores y defensoras de derechos humanos que trabajan en defensa del acceso a la tierra y a los recursos naturales.**

281. JUA 21/11/2013 Case no: MEX 11/2013 State reply: none to date

**Presuntos allanamientos repetidos del domicilio de un defensor de derechos humanos, así como detención arbitraria, uso excesivo de la fuerza y actos de tortura y malos tratos contra él y otras cuatro personas.**

**Observaciones**

282. La Relatora Especial agradece al Gobierno las respuestas recibidas a dos de las cinco comunicaciones enviadas durante el periodo del presente informe, así como por la información proporcionada acerca de las medidas de protección adoptadas para garantizar la integridad física de los defensores y defensoras de derechos humanos. Sin embargo, la Relatora lamenta que, en el momento de finalizar este informe, no se había recibido respuesta a tres de las comunicaciones enviadas durante el periodo del presente informe ni tampoco a las seis comunicaciones del periodo anterior que no obtuvieron respuesta en su momento.[42]

283. La Relatora reitera su profunda preocupación sobre las alegaciones recibidas indicando la persistencia de un clima de violencia e inseguridad para los defensores y defensoras en México. En particular, la Relatora Especial se muestra seriamente preocupada por la situación de riesgo que afecta a los defensores que trabajan por el derecho al acceso a la tierra y recursos naturales a menudo en el contexto de comunidades indígenas y campesinas afectadas por las operaciones de industrias del sector energético y extractivo; a los que trabajan por los derechos de los migrantes; a las defensoras y los defensores que trabajan por los derechos de las mujeres, y a los que trabajan contra la impunidad.

284. La gravedad de los casos que han llegado a la Relatora es una muestra de una situación de inseguridad extrema para los defensores y defensoras en México. En este contexto, la Relatora nota con preocupación las alegaciones recibidas acerca de la involucración de agentes estatales en actos de violencia y malos tratos contra defensores.

285. En este contexto, la Relatora considera preocupante la información recibida sobre el incumplimiento de algunas de las medidas cautelares otorgadas por la Comisión Interamericana de Derechos Humanos a defensores y defensoras. Además, la Relatora quisiera señalar que algunos de los casos enviados durante el periodo del presente informe eran beneficiarios de protección por parte del Mecanismo Nacional de Protección lo que considera información preocupante ya que, a su juicio, mostraría que existen ciertas deficiencias en la implementación de dicho mecanismo.

286. La Relatora Especial quisiera de nuevo llamar la atención acerca del alto nivel de impunidad que prevalece en torno a las violaciones cometidas con los y las defensoras en el país. Le gustaría destacar la importancia de que se lleven a cabo investigaciones prontas, eficaces e imparciales sobre violaciones cometidas contra de defensores y defensoras, que

[42] A/HRC/22/47/Add.4, paras. 273-289

los responsables sean traducidos en justicia y que las víctimas reciban una reparación adecuada. La lucha contra la impunidad es esencial para combatir y prevenir las violaciones de los derechos de los y las defensoras.

287. La Relatora Especial reitera su disponibilidad a ofrecer asistencia al Gobierno y confía en que su solicitud de visitar el país (2011) sea considerada favorablemente.

## Republic of Moldova

288. JUA 08/02/2013 Case no: MDA 1/2013 State reply: 09/04/2013

**Alleged risks to the physical and psychological integrity of two representatives of the GENDERDOC-M Information Centre, in view of insults and threats received during court hearings.**

289. JAL 17/05/2013 Case no: MDA 2/2013 State reply: 28/06/2013

**Allegations relating to a re-routing of the 2013 Chisinau Pride Parade.**

289. JAL 29/07/2013 Case no: MDA 4/2013 State reply: 08/11/2013

**Alleged risk of restrictions on the rights to freedom of expression, association and peaceful assembly.**

**Observations**

290. The Special Rapporteur welcomes the responses to all three communications sent during the present reporting period.

However, the Special Rapporteur expresses concern at the hostile environment in which human rights defenders promoting the rights of the LGBTI community operate in the Republic of Moldova. In this connection, she would like to reiterate her concerns in the communication dated 29 July 2013 regarding the adoption on 23 May 2013 of Law no. 117 to amend the Contravention Code no. 218-XVI of 29 October 2008. Specifically, the amendment to article 90 on public activity with a negative impact on minors now stipulates that the distribution of public information (with or without criminal intent) on "relations other than those of the family and marriage as specified in the Family Code" will entail sanctions. The Special Rapporteur acknowledges the Ministry of Interior's Implementation Instruction for article 90, dated 26 July 2013, and expresses her sincere hope that authorities will adopt the necessary measures to ensure that defenders working for the rights of the LGBTI community can work in a safe and enabling environment without fear of violence or harassment of any sort.

## Myanmar

291. JUA 13/12/2012 Case no: MMR 12/2012 State reply: none to date

**Alleged re-arrest and detention of former prisoner of conscience.**

292. JAL 18/03/2013 Case no: MMR 1/2013 State reply: none to date

**Allegations of restrictions on the right to freedom of peaceful assembly not in compliance with international norms and standards.**

293. JUA 15/04/2013 Case no: MMR 4/2013 State reply: none to date

**Alleged charges brought against political science teacher and founder of the Olive Branch capacity building centre for community education.**

294. JUA 02/05/2013 Case no: MMR 6/2013 State reply: 01/07/2013

**Alleged excessive use of force by riot police and military to remove farmers from land around Letpadaung copper mine in Sagaing Region, Myanmar, and reported charges and detention of persons involved in a protest at the site.**

295. JAL 11/06/2013 Case no: MMR 9/2013 State reply: 22/07/2013

**Alleged excessive use of force by law enforcement officials against a group of Rohingyas engaged in a peaceful protest, which included the fatal shooting of three Rohingya women.**

296. JUA 20/06/2013 Case no: MMR 10/2013 State reply: 16/08/2013
05/10/2013

**Allegations of continuous targeting of human rights activists, including peaceful demonstrators, defending and promoting economic and social rights in Myanmar.**

297. JUA 16/07/2013 Case no: MMR 11/2013 State reply: 15/08/2013

**Alleged arbitrary arrest and detention of human rights defender in Myanmar for a 2011 poster campaign calling for the release of political prisoners.**

298. JAL 22/07/2013 Case no: MMR 12/2013 State reply: 29/10/2013

**Alleged death in custody following torture.**

299. JUA 24/07/2013 Case no: MMR 13/2013 State reply: 30/08/2013

**Alleged arbitrary detention of Rohingya Muslim community leader and human rights defender in relation to a population verification exercise in Rakhine State, Myanmar.**

300. JUA 03/10/2013 Case no: MMR 14/2013 State reply: 26/12/2013

**Allegations of continuous targeting of peaceful demonstrators and human rights defenders opposing a mining project.**

301. JUA 27/11/2013 Case no: MMR 16/2013 State reply: none to date

**Allegation of physical attacks against human rights defender in Myanmar, and violation of his rights to freedom of opinion and expression, freedom of peaceful assembly and of association and freedom of religion or belief.**

**Observations**

302. The Special Rapporteur thanks the Government of Myanmar for the detailed responses provided to seven of the 11 communications sent during the reporting period. However, the Special Rapporteur regrets that no reply has been received from the Government to any of the four other communications sent during the reporting period, particularly due to the grave concerns that were raised therein.

303. The Special Rapporteur takes note of the recent steps by the President of Myanmar's in October and December 2013 of releasing 100 prisoners of conscience in Myanmar. However, despite these positive developments in the country, she would like to reiterate her grave concerns regarding information that she has received of continued arbitrary arrest and detention of human rights defenders, including allegations of torture and ill-treatment while in detention and refusal of access to lawyers. In this context, the Special Rapporteur would like to reiterate the concerns that have previously been expressed by the Special Rapporteur on the situation of human rights in Myanmar, Mr. Tomás Ojea Quintana, regarding reports received of torture being routinely used by police officers with the aim of extracting confessions. In this regard, she would like to reiterate the need to combat the culture of impunity that exists for acts of torture in police stations, prisons and in other places of

detention, particularly during the interrogation of suspects. The Special Rapporteur would like to reiterate that the State has a duty to protect and to provide a safe and enabling environment for human rights defenders to conduct their work.

304. The Special Rapporteur would like to further express her concern regarding reports of excessive use of force by law enforcement officials during peaceful protests, and in particular cases of severe injuries and killings of protesters. In this regard, she would like to encourage the Government of Myanmar to take all necessary measures to protect defenders during protests and to refrain from the use of excessive force against protesters. The Special Rapporteur recommends the Government to enforce a code of conduct on law enforcement officials, particularly with regard to crowd control and the use of force. She further recommends the Government to ensure that the legal framework contains effective provisions for the oversight and accountability of law enforcement officials.

305. The Special Rapporteur further expresses her concern regarding provisions which curtail the right to freedom of peaceful assembly in the Decree on the Right to Peaceful Assembly and Peaceful Procession adopted on 5 July 2012. The Special Rapporteur is available to provide guidance and assistance the Government might require.

## Nepal

306. JUA 22/03/2013 Case no: NPL 1/2013 State reply: none to date

**Alleged threats of violence widely published in mass media and official harassment of human rights defenders and an alleged physical attack against a human rights defender.**

307. JUA 28/03/2013 Case no: NPL 2/2013 State reply: none to date

**Alleged undue delays in registration proceedings of a non-governmental organisation, and alleged instances of harassment and arbitrary arrest on the part of the authorities against LGBT individuals.**

308. JUA 13/06/2013 Case no: NPL 3/2013 State reply: none to date

**Allegations of violent dispersal by law enforcement authorities of peaceful demonstrations organised by Kamlari activists in Nepal.**

### Observations

309. The Special Rapporteur regrets that, at the time of the finalisation of this report, no response had been transmitted to any of the three communications sent during the reporting period.

310. The Special Rapporteur expresses grave concern of violent dispersal and arrests of protesters during a peaceful sit-in protest by police forces, including sexual assaults of female protesters.

311. The Special Rapporteur is also concerned about reports received of threats and stigmatising remarks against human rights defenders in the media. She is particularly concerned with allegations of calls for "people's action", which have led to violent physical attacks of these defenders. The Special Rapporteur would like to reiterate that the State has a duty to protect and to provide a safe and enabling environment for human rights defenders to conduct their work.

312. The Special Rapporteur also expresses her concern regarding reports of undue delays in the procedure to renew the registration of a NGO working to promote respect for the rights of LGBT persons. She further expresses her concern regarding arbitrary arrests, harassment, intimidation by the police and ill-treatment in detention of its members.

313. The Special Rapporteur regrets that, at the time of finalising this report, no reply has been received in response to her multiple requests for a country visit to Nepal (2008, 2009, 2012) to enable her to gain a better understanding of the situation of human rights defenders in the country. She expresses her hope that the Government will respond favourably to this request and she remains available to provide guidance and assistance the Government might require.

## Nigeria

314. JUA 17/04/2013 Case no: NGA 2/2013 State reply: 29/08/2013

**Alleged arbitrary detention of two NGO workers and harassment of evictees.**

315. JAL 13/06/2013 Case no: NGA 4/2013 State reply: none to date

**Alleged restrictions on the rights to freedom of association and of peaceful assembly of groups defending lesbian, gay, bisexual, and transgender (LGBT) rights.**

### Observations

316. The Special Rapporteur thanks the Government of Nigeria for its response to the communication sent on 17 April 2013, but she regrets that no response was received to the communication sent 13 June 2013.

317. The Special Rapporteur expresses her concern regarding reports received of arrests, detention and harassment of human rights defenders in Nigeria. The Special Rapporteur would like to reiterate that the State has a duty to protect and to provide a safe and enabling environment for human rights defenders to conduct their work.

318. The Special Rapporteur deeply regrets the passing of the Same Sex Marriage Prohibition Act by President in January 2014. She would like to reiterate her concerns that this legislation unduly limits the free exercise of the rights to freedom of association, assembly and opinion and expression, which are not only basic rights but essential to claim other rights. Furthermore, she is concerned that this legislation might prevent human rights defenders and activists defending the human rights of LGBT persons and those working to prevent transmission of HIV, to peacefully advocate for dissenting views and exercise their legitimate rights.

## Norway

319. JUA 04/04/2013 Case no: NOR 1/2013 State reply: none to date

**Alleged imminent risk of deportation of a human rights defender who may be at risk of enforced disappearance, torture and killing by Pakistani security forces, if forcibly returned to Pakistan.**

### Observations

320. The Special Rapporteur regrets that, at the time of finalising this report, there had been no response to the communication sent during the reporting period. She trusts that a response will be provided shortly given the seriousness of the allegations addressed therein.

## Oman

321. JUA 27/02/2013 Case no: OMN 1/2013 State reply: 20/03/2013
21/03/2013

**Alleged hunger strike by human rights defenders in detention in protest at their convictions, and undue delays in judicial proceedings.**

**Observations**

322. The Special Rapporteur welcomes the responses transmitted to her communication sent during the reporting period regarding eleven human rights defenders sentenced for crimes related to injurious speech and use of information technology and assembly. The Special Rapporteur welcomes the confirmation in the reply by the Government that the eleven human rights defenders would be liberated on 22 March 2013.

323. The Special Rapporteur regrets that to date no reply has been received in response to her request to visit Oman (2012) to enable her to gain a better understanding of the situation of human rights defenders in the country. She expresses her hope that the Government will respond favourably to this request and she remains available to provide any technical assistance the Government might require.

## Pakistan

324. JUA 12/10/2012[43] Case no.: PAK 11/2012 State reply: 27/03/2013

**Alleged assassination attempt against an advocate for girl's education by the Tehrik-i-Taliban Pakistan (TTP).**

325. JAL 01/02/2013 Case no: PAK 1/2013 State reply: 04/02/2013

**Alleged killing of seven human rights defenders working for the non-governmental organisation Support with Working Solutions (SWWS).**

326. JAL 22/03/2013 Case no: PAK 2/2013 State reply: 25/03/2013

**Allegations of forced cessation of activities of a human rights non-governmental organisation working on, inter alia, women's rights in Gilgit-Baltistan.**

327. JUA 12/07/2013 Case no: PAK 4/2013 State reply: 18/07/2013

**Alleged killing of a woman human rights defender and her sister, as well as attacks and death threats against, her family members.**

328. JUA 04/09/2013 Case no: PAK 5/2013 State reply: 04/09/2013

**Alleged serious acts of violence and ill-treatment of women and threats to journalists and human rights defenders**

**Observations**

329. The Special Rapporteur takes note of the acknowledgements of receipt to all four communications sent to the Government of Pakistan during the present reporting period,

[43] Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

and she looks forward to a substantive response from the Government given the seriousness of the allegations presented. Moreover, the Special Rapporteur acknowledges the receipt on 27 March 2013 of the state response to a communication sent in the previous reporting period (PAK 11/2012),[44] and she welcomes the action taken to investigate the serious attack on Ms Malala Yousafzai, and to support her family in medical treatment.

330. The Special Rapporteur expresses grave concern for the physical and psychological integrity of human rights defenders and their family members in Pakistan following reports that she has received of violence, torture, attempted killings and killings of human rights defenders. She is also concerned regarding information received of killings of family members of human rights defenders and death threats directed towards them. In this regard, the Special Rapporteur would like to reiterate that the State has a duty to protect and to provide a safe and enabling environment for human rights defenders to conduct their work.

331. She expresses further concern regarding allegations of defamation campaigns and threats against human rights defenders, as well as the forced closure of an NGO working for women's rights and girls' education.

332. The Special Rapporteur regrets that so far no reply has been received in response to her requests to visit Pakistan (2008, 2010) to enable her to gain a better understanding of the situation of human rights defenders in the country. She expresses her hope that the Government will respond favourably to this request and she remains available to provide any guidance or assistance the Government might require.

## Paraguay

333. JUA 10/12/2012 Case no: PRY 4/2012 State reply: 16/01/2013

**Presunto asesinato de un destacado defensor de los derechos humanos, y presunto riesgo para la integridad física y psicológica de miembros de su familia.**

334. JAL 10/09/2013 Case no: PRY 1/2013 State reply: none to date

**Aprobación de modificaciones a la Ley de Defensa Nacional y Seguridad Interna y presunto acto intimidatorio por parte de agentes de seguridad del Estado contra organizaciones que expresaron su oposición a dicha reforma legal.**

**Observaciones**

335. La Relatora Especial agradece al Gobierno la respuesta a una de las dos comunicaciones enviadas durante el periodo del presente informe. Sin embargo, la Relatora expresa preocupación con la falta de respuesta a la comunicación fechada 10 de septiembre de 2013.

336. La Relatora expresa consternación por el asesinato del Sr. Vidal Vega, mencionado en la comunicación fechada 10 de diciembre de 2012. El Sr Vega era un destacado defensor y un testigo clave en la investigación del Ministerio Público de los enfrentamientos violentos que ocurrieron el 15 de julio de 2012 en Curuguaty, y confía en que la investigación sobre este asesinato proceda de forma eficaz, que los culpables sean traducidos en justicia y que los familiares de la víctima reciban reparación adecuada.

337. Asimismo, la Relatora Especial se muestra preocupada por la información recibida indicando actos de intimidación por parte de fuerzas del orden en relación con las modificaciones a varios artículos de *la Ley de Defensa Nacional y Seguridad Interna*, aprobadas el 22 de agosto de 2013.

[44] A/HRC/22/47/Add.4, para. 325

## Peru

338. JAL 21/06/2013 Case no: PER 1/2013 State reply: 28/10/2013

**Supuesta utilización de las Fiscalías Especiales de Prevención del Delito para limitar protestas sociales, perseguir y hostigar a defensores de derechos humanos y líderes sociales así como para restringir indebidamente los derechos de libertad de expresión y de reunión pacífica.**

**Observaciones**

339. La Relatora Especial agradece la respuesta detallada recibida a la comunicación enviada durante el periodo del presente informe. La Relatora toma nota del marco rector existente para la interpretación y ejercicio del derecho de reunión pacífica. Asimismo, la Relatora anima al Estado a perserverar en sus esfuerzos por instaurar una cultura del diálogo y la mediación en situaciones de tensión social entre comunidades locales, sector privado y autoridades en el contexto de mega-proyectos donde operan industrias extractivas.

340. La Relatora aprovecha la ocasión para reiterar que la protesta social pacífica es, además de un derecho fundamental, un elemento esencial en sociedades democráticas y participativas, y que cualquier restricción del mismo debe ser sujeta al más estricto escrutinio, respetando los principios básicos de legalidad, necesidad y proporcionaildad.

## Philippines

341. JUA 28/12/2012 Case no: PHL 7/2012 State reply: none to date

**Alleged continued wave of harassment, stigmatisation, threats, and killings of human rights defenders, in particular environmental and indigenous rights defenders, many of whom are women human rights defenders and indigenous leaders.**

342. JAL 22/08/2013 Case no: PHL 2/2013 State reply: none to date

**Alleged killings of three journalists in the space of two days in the Philippines.**

**Observations**

343. The Special Rapporteur regrets that, at the time of the finalisation of this report, no response had been transmitted to the two communications sent during the reporting period.

344. The Special Rapporteur expresses grave concern regarding an extremely violent and increasingly dangerous environment for human rights defenders to conduct their peaceful work in the Philippines. She is particularly concerned regarding reports that she has received of brutal killings, including killings of relatives and children of human rights defenders, torture, ill-treatment in detention, arrests, threats, harassment and forced displacement of environmental and indigenous rights defenders. She also expresses grave concern of alleged killings of journalists for having reported on corruption. She expresses her sincere hope that all of these cases will be duly investigated, that perpetrators will be brought to justice and that the families of the victims that were killed will obtain adequate redress. The Special Rapporteur would like to reiterate that the State has a duty to protect and to provide a safe and enabling environment for human rights defenders to conduct their work.

345. The Special Rapporteur regrets that to date no reply has been received in response to her request to visit the Philippines (2008, 2010, 2012) to enable her to gain a better understanding of the situation of human rights defenders in the country. She expresses her

hope that the Government will respond favourably to this request and she remains available to provide guidance and assistance the Government might require.

## Qatar

346. JUA 16/01/2013 Case no: QAT 1/2013 State reply: 12/02/2013

**Alleged immediate risk of extradition of a former diplomat to Saudi Arabia, where there are substantive grounds to believe that he would be in danger of being subjected to torture and harsh sentences.**

### Observations

347. The Special Rapporteur welcomes the Government's response to the communication sent during the reporting period. The Special Rapporteur is pleased to note the National Human Rights Committee in Qatar for having assisted Mr. Al Mutiry and his family to travel outside the country on 18 January 2013.

## Republic of Korea

348. JUA 21/06/2012[45] Case no: KOR 3/2012 State reply: 5/02/2013

**Alleged denial of entry to the Republic of Korea of a Philippines National, despite his valid travel documents**

349. JAL 11/06/2013 Case no: KOR 1/2013 State reply: 14/08/2013

**Alleged forced eviction of residents living in Jagatsinghpur District, Odisha, and surrounding areas in India.**

350. JAL 03/07/2013 Case no: KOR 2/2013 State reply: 15/11/2013

**Alleged defamation lawsuit filed by the National Intelligence Service (NIS) against three human rights lawyers for action taken in their professional capacity.**

### Observations

351. The Special Rapporteur thanks the Government for the replies to the two communications sent during the reporting period and for the response received to one of the communications sent during the previous period (KOR 3/2012).[46]

352. The Special Rapporteur conducted a country visit to the Republic of Korea during the reporting period and would like to thank the Government for accepting her request to visit the country and for the excellent cooperationthroughout the process.

353. In the report about her visit,[47] the Special Rapporteur highlights that human rights defenders are generally able to carry out their work freely but she observes that the environment in which they operate is quite polarised and not always sufficiently conducive to the defence and promotion of human rights and fundamental freedoms. This seems to stem from the lack of trust between defenders and authorities, and from important shortcomings in the legal framework including the framework governing the exercise of basic freedoms, such as the rights to freedoms of opinion and expression, of peaceful

[45] Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

[46] A/HRC/22/47/Add.4, para. 343

[47] A/HRC/55/Add.1

assembly and of association. She underlines that legislation pertaining to national security, and the complex geopolitical situation in the Korean peninsula, also have a restrictive impact on the environment in which defenders operate.

354. The Special Rapporteur believes that, for effective dialogue to take place, authorities, defenders and other stakeholders need to engage constructively with each other, exercise diplomacy and patience to communicate their positions and listen to each other's' arguments.

## Russian Federation

355. JAL 12/12/2012 Case no: RUS 8/2012 State reply: 24/01/2013

**Alleged impending first reading of the draft federal law No. 44554-6 introducing amendments to the Code of the Russian Federation on Administrative Offences regarding the —propaganda of homosexuality.**

356. JAL 21/01/2013 Case no: RUS 1/2013 State reply: 18/03/2013

**Allegations of repeated undue restrictions related to the right to freedom of peaceful assembly and of association affecting mostly human rights defenders and activists.**

357. JAL 09/04/2013 Case no: RUS 2/2013 State reply: 10/07/2013

**Alleged increasing restrictions and obstacles being imposed on the space for civil society organizations and activists, especially for those active in the field of human rights, to operate.**

358. JAL 13/06/2013 Case no: RUS 3/2013 State reply: none to date

**Alleged implementation of a law leading to arbitrary and undue restrictions on the enjoyment of the right to freedom of association**

359. JAL 12/07/2013 Case no: RUS 4/2013 State reply: 24/10/2013

**Alleged attack against lesbian, gay, bisexual, transgender and intersex (LGBTI) rights activists and break-up of St. Petersburg Pride parade.**

360. JAL 26/08/2013 Case no: RUS 6/2013 State reply: 13/11/2013

**Allegations of possible eviction of human rights non-governmental organisations from their premises.**

### Observations

361. The Special Rapporteur thanks the Government for the replies transmitted to five of her six communications sent during the reporting period. She regrets that, at the time of finalising this report, no response had been received to her communication sent on 13 June 2013.

362. The Special Rapporteur is particularly concerned about the use of the legal and administrative framework to restrict the space in which human rights defenders operate, including by unduly curtailing basic rights and fundamental freedoms such as the rights to freedom of opinion and expression, association and peaceful assembly.

363. During the reporting period, the Special Rapporteur has reiterated her concern about the implementation of the Law on Introducing Amendments to Certain Legislative Acts Regarding the Regulation of Activities of Non-commercial Organisations Performing the Functions of Foreign agents (No. 7-FZ). According to the text, any non-commercial organisation carrying out political activity and receiving funding from sources outside the Russian Federation must register as a "foreign agent". The Special Rapporteur has warned

in a public statement issued on 14 May 2013, jointly with the Special Rapporteurs on freedom of opinion and expression and freedom of association and peaceful assembly,[48] about the "obstructive, intimidating and stigmatising" effects that the application of this law is having on human rights defenders and organisations.

364. Moreover, the Special Rapporteur is seriously concern about the use of this law to target and intimidate human rights organisations, which have engaged with the UN, its mechanisms and representatives in the field of human rights. She is concerned about the acts of reprisals against the NGOs Public Verdict Foundation and Anti-Discrimination Centre Memorial for having provided information to the UN Committee against Torture in the context of the examination of the Russian Federation by the Committee in November 2012. In this regard, the Special Rapporteur strongly urges the Government to ensure that human rights defenders can carry out their legitimate activities in a safe and an enabling environment; this includes through safe and unhindered access to international human rights bodies such as the United Nations, its mechanisms and representatives in the field of human rights, without fear of harassment, stigmatisation or criminalisation of any kind.[49] The case of these NGOs was the subject of the communication by the Special Rapporteur and other independent experts dated 13 June 2013. The Committee Against Torture has also raised these cases with the Government[50] and issued two public statements regarding reprisals, on 6 June 2013[51] and another one on 23 December 2013[52].

365. Moreover, the Special Rapporteur wishes to express her serious concern about the legislative amendments to Federal Laws regarding "propaganda of homosexuality among minors", non-commercial organisations, and also expresses concern at the implementation of Federal Act No. 54-FZ (19 June 2004). Together with other UN independent experts, she has publically warned that this legislation could be used to unduly restrict the activities of those advocating for the rights of LGBT individuals and "could further contribute to the already difficult environment in which these defenders operate, stigmatising their work and making them the target of acts of intimidation and violence".[53]

366. The Special Rapporteur would like to reiterate her availability to provide guidance and support to the Government of the Russian Federation in any issue related to the establishment and consolidation of a safe and enabling environment for human rights defenders, including through a conducive legal, institutional and administrative framework. She reiterates her interest in visiting the country since 2011, at a time convenient for the mandate and the authorities.

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[48] "Russia: increasingly hostile environment for NGOs and rights defenders is unacceptable" (14/05/2013): http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13323&LangID=E

[49] A/HRC/RES/22/6/OP13

[50] Correspondence on reprisals by the Chairperson of CAT and the Rapporteur on reprisals, and replies from the Government, are available at http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/TBSearch.aspx?Lang=en&TreatyID=1&DocTypeID=130

[51] "UN rights experts seek assurances that Russian NGOs will not face reprisals" (6/06/2013)http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13417&LangID=E

[52] "Russian NGO Memorial: UN rights experts voice concern at court's 'foreign agent' ruling" (23/12/2013)http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14137&LangID=E

[53] "UN rights experts advise Russian Duma to scrap bill on 'homosexuality propaganda'" (1/02/2013): http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12964&LangID=E

## Saudi Arabia

367. JUA 03/05/2012[54] Case no.: SAU 7/2012 State reply: 01/02/2013

**Allegations of acts of intimidation, excessive use of force and arbitrary detention against individuals exercising peacefully their rights to freedom of association, of peaceful assembly and of expression.**

368. JUA 25/05/2012[55] Case no.: SAU 8/2012 State reply: 12/02/2013

**Alleged arbitrary arrest and torture in detention of a human rights lawyer, and false charges brought against him.**

369. JUA 21/12/2012 Case no: SAU 13/2012 State reply: none to date

**Alleged arbitrary detention of human rights defender.**

370. JUA 01/02/2013 Case no: SAU 1/2013 State reply: none to date

**Allegations of arbitrary arrest and detention of human rights defenders and other individuals.**

371. JUA 27/03/2013 Case no: SAU 5/2013 State reply: none to date

**Alleged prison sentences and travel bans not complying with human rights law and standards.**

372. JAL 01/07/2013 Case no: SAU 6/2013 State reply: none to date

**Alleged arbitrary investigation of individuals working on the defence and promotion of human rights.**

373. JUA 12/09/2013 Case no: SAU 8/2013 State reply: none to date

**Alleged crackdown against human rights defenders, including arrests, detention, unfair trials and the use of torture.**

### Observations

374. The Special Rapporteur regrets that, at the time of the finalisation of this report, the Government had not responded to any of her five communications sent during the present reporting period. She considers the allegations very serious as they refer to undue restrictions on a number of basic rights and freedoms which are fundamental to the activities of human rights defenders, and trusts that a substantive response will be provided shortly. However, the Special Rapporteur welcomes the state's responsesto two communications sent in the previous reporting period (dated3 May 2012 and 25 May 2012).[56]

375. Particular concern is expressed regarding reports of arbitraty arrests and detentionof peaceful protesters, including their children. The Special Rapporteur is also concerned regarding information of imposed travel bans, judicial harassment, unfair trials and the sentencing of human rights defenders on charges relating to "terrorism" and involvement with "illegal organisations". Furthermore, she is disturbed by reports that she has received of ill-treatment and torture of human rights defenders while in detention or serving prison sentences. In this regard, the Special Rapporteur would like to reiterate that the State has a

[54] Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

[55] Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

[56] A/HRC/22/47/Add.4, para. 363 and 364

duty to protect and to provide a safe and enabling environment for human rights defenders to conduct their work.

376. The Special Rapporteur is particularly concerned that human rights defenders in Saudi Arabia are being targeted and are facing lengthy prison sentences including for engaging with United Nations human rights mechanisms, and wishes to reiterate the right of everyone to "unhindered access to and communication with international bodies".[57] The Special Rapporteur is also very concerned by the court-ordered disbanding of the Saudi Arabia Civil and Political Rights Association (ACPRA), as mentioned in the communication dated 27 March 2013, involving the confiscation of its property and the closure of its social media accounts.

377. The Special Rapporteur regrets that to date no reply has been received in response to her request for a country visit to Saudia Arabia (2012) to enable her to gain a better understanding of the situation of human rights defenders in the country. She expresses her hope that the Government will respond favourably to this request and she remains available to provide guidance and assistance the Government might require.

## Serbia

378. JAL 03/04/2013 Case no: SRB 1/2013 State reply: none to date

**Alleged threats and attack against a human rights defender working against discrimination and for the rights of lesbian, gay, bisexual and transgender people.**

### Observations

379. The Special Rapporteur regrets that, at the time of finalising this report, no response had been received to the communication sent during the reporting period. She trusts that a response will be provided shortly given the seriousness of the allegations addressed therein.

## Sierra Leone

380. JUA 20/06/2013 Case no: SLE 1/2013 State reply: none to date

**Alleged physical attack and threats against a lesbian, gay, bisexual, transgender and intersex (LGBT) rights defender.**

### Observations

381. The Special Rapporteur wishes to express her regret that, at the time of the finalisation of this report, the Government had not responded to the communication she sent during the reporting period. The Special Rapporteur is concerned for the physical and psychological integrity of human rights defenders working to protect the rights of lesbians, gays, bisexual, transgender and intersex individuals in Sierra Leone. In this regard, she calls upon the Government to ensure a safe and enabling environment for them to conduct their work without fear of their safety.

[57] A/HRC/RES/22/6/OP13

## Singapore

382. JUA 10/12/2012 Case no: SGP 4/2012 State reply: 15/02/2013

**Alleged legal sanctions brought against migrant public bus drivers from China in relation to a strike they undertook to demand equal pay.**

**Observations**

383. The Special Rapporteur would like to thank the Government of Singapore for providing a detailed response to the communication sent on 10 December 2012.

## Somalia

384. JUA 24/01/2013 Case no: SOM 1/2013 State reply: none to date

**Alleged arrest and detention without charges of a Somali journalist reporting on a rape case, and questioning of other journalists.**

385. JAL 30/07/2013 Case no: SOM 2/2013 State reply: none to date

**Alleged killing of human rights defenders.**

386. JAL 05/11/2013 Case no: SOM 5/2013 State reply: none to date

**Alleged killing of human rights defender Mr. Mohamed Mohamud Tima'adde.**

**Observations**

387. The Special Rapporteur regrets that no response has been received to any of the three communications sent during the present reporting period. She considers the allegations very serious and trusts that responses will be provided shortly.

388. The Special Rapporteur is gravely concerned about the safety and the physical and psychological integrity of human rights defenders, including media workers reporting on human rights issues in Somalia. She is particularly concerned about what appears to be a pattern of assasinations of journalists and human rights defenders, many of which have been committed with impunity. She expresses her sincere hope that these cases will be duly investigated, that perpetrators will be brought to justice and that the families of the victims that were killed will obtain adequate redress. In this regard, she would like to reiterate that the State has a duty to protect and to provide a safe and enabling environment for human rights defenders to conduct their work.

## Sri Lanka

389. JAL 29/12/2011[58] Case no.: LKA 11/2011 State reply: 23/12/2013

**Allegations of detention and acts of intimidation against a group of human rights and political activists who were planning to attend a peaceful protest in Jaffna on the occasion of Human Rights Day.**

[58] Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

390. JUA 12/09/2012[59] Case no.: LKA 4/2012 State reply: 19/06/2013

**Allegations of violations against human rights defenders, including attempted abduction, surveillance and intimidation.**

391. JUA 10/12/2012 Case no: LKA 6/2012 State reply: 12/12/2012
15/02/2013

**Alleged unlawful arrest of members of the Asian Federation Against Involuntary Disappearances (AFAD) in Colombo.**

392. JUA 14/01/2013 Case no: LKA 1/2013 State reply: 14/01/2013

**Alleged attack on human rights defender.**

393. JAL 05/04/2013 Case no: LKA 3/2013 State reply: none to date

**Allegations of undue obstruction to the travel of about 600 human rights defenders, including relatives of disappeared persons, from Vavuniya to Colombo to attend a peaceful demonstration.**

394. JUA 26/11/2013 Case no: LKA 5/2013 State reply: none to date

**Alleged death threats against a human rights defender broadcast by State media.**

**Observations**

395. The Special Rapporteur thanks the Government of Sri Lanka for its responses to the communication sent on 10 December 2012 and on 14 January 2013, and she thanks the Government for the two responses to communications dating from the previous reporting period (dated 29 December 2011 and 12 September 2012).[60] However, the Special Rapporteur regrets that no response was received to the two most recent communications sent during the present reporting period.

396. The Special Rapporteur expresses grave concern regarding reports received of stigmatising remarks and death threats against human rights defenders in the media. She also expresses concern regarding reports received of arrests and attacks of human rights defenders and allegations of human rights defenders being prevented from attending peaceful demonstrations. The Special Rapporteur would like to reiterate that the State has a duty to protect and to provide a safe and enabling environment for human rights defenders to conduct their work.

397. The Special Rapporteur regrets that so far no reply has been received in response to her requests to visit Sri Lanka (2008, 2010) to enable her to gain a better understanding of the situation of human rights defenders in the country. She expresses her hope that the Government will respond favourably to this request and she remains available to provide guidance and assistance the Government might require.

## Sudan

398. JAL 17/01/2013 Case no: SDN 1/2013 State reply: 15/03/2013

**Alleged arbitrary closure of several human rights associations.**

[59] Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

[60] A/HRC/22/47/Add.4, para. 378 and 380

399. JUA 16/04/2013 Case no: SDN 4/2013 State reply: 22/08/2013

**Alleged torture, incommunicado detention and subsequent risk of further torture and ill-treatment.**

400. JAL 15/08/2013 Case no: SDN 6/2013 State reply: none to date

**Alleged negative consequences of the amendment to the Legislation on the Armed Forces of 2007 on the right to fair trial and due process, freedom of expression, the rights to liberty and security, the right to be free from torture and ill-treatment, and the right to life.**

401. JUA 17/10/2013 Case no: SDN 7/2013 State reply: none to date

**Alleged serious violation of international human rights standards.**

**Observations**

402. The Special Rapporteur welcomes the Government of Sudan's detailed responses to the communications dated 17 January 2013 and 16 April 2013. However, she regrets that no response has been received to the remaining communications sent during the reporting period. She trusts that responses will be provided shortly to these communications given the seriousness of the allegations addressed therein.

403. The Special Rapporteur wishes to reiterate her concerns regarding the arbitrary closure of several human rights associations in Sudan. She also remains gravely concerned regarding reports that she has received of ill-treatment, torture and incommunicado detention of protesters.

404. The Special Rapporteur is extremely concerned by the reports received of excessive and disproportionate use of force by national security forces during a number of demonstrations in September and October 2013, as mentioned in the communication dated 17 October 2013. This led to the deaths of an estimated 200 demonstrators by gunshot wounds, including children and individuals filming the demonstrations, as well as the arrest of an estimated 800 demonstrators. She expresses her sincere hope that these cases will be duly investigated, that perpetrators will be brought to justice and that the families of the victims that were killed will obtain adequate redress. In this regard, the Special Rapporteur would like to reiterate that the State has a duty to protect and to provide a safe and enabling environment for human rights defenders.

405. Furthermore, she is also concerned about information received of restrictions of freedom of expression, including censorship and suspension of newspapers and interrogation of journalists reporting on these demonstrations..

406. The Special Rapporteur also expresses her concerns regarding the amendment of Sudan's Armed Forces Law of 2007 which subjects civilians to the jurisdiction of military courts and the creation of new offences such as "undermining the constitutional system" and "publication of false news". She encourages the Constitutional Court of Sudan to examine the legislation in terms of its compatibility with the Sudan's Bill of Rights, as well as international human rights standards.

## Sweden

407. JUA 01/02/2013 Case no: SWE 1/2013 State reply: 08/02/2013
12/04/2013

**Alleged imminent deportation of a human rights defender and blogger to the Islamic Republic of Iran.**

496. JUA 02/05/2013 Case no: SWE 2/2013 State reply: 14/06/2013

**Alleged imminent deportation of a journalist asylum-seeker, who may be at risk of being tortured and killed by the Taliban, if forcibly returned to Afghanistan.**

**Observations**

408. The Special Rapporteur would like to thank the Government for the detailed responses provided to the two communications sent during the reporting period. She takes note that the human rights defender and blogger at risk of being deported to the Islamic Republic of Iran has been granted a permanent residence permit. Regarding the case of the journalist at risk of being deported to Afghanistan, she takes note of the measures available for protection of those who claim to be victims of persecution and torture and who seek asylum in Sweden.

## Syrian Arab Republic

409. JUA 02/11/2012[61] Case no.: SYR 9/2012 State reply: 06/06/2013

**Allegations of arbitrary arrests, incommunicado detention, killings and torture.**

410. JAL 21/02/2013 Case no: SYR 1/2013 State reply: none to date

**Alleged torture and death of a human rights activist by Air Force Intelligence in Mezze, Syrian Arab Republic.**

411. JUA 13/05/2013 Case no: SYR 2/2013 State reply: none to date

**Alleged enforced disappearance, torture, incommunicado detention and denial of medical treatment.**

412. JUA 28/06/2013 Case no: SYR 3/2013 State reply: none to date

**Alleged acts of reprisal, incommunicado detention and torture and ill-treatment of human rights defenders for their cooperation with the United Nations, its representatives and mechanisms in the field of human rights.**

**Observations**

413. The Special Rapporteur regrets that, at the time of the finalisation of this report, the Government had not responded to any of the three communications sent during the present reporting period. She considers the allegations very serious as they refer to grave violations of a number of human rights andshe trusts that a substantive response will be provided shortly. The Special Rapporteur thanks the Government for the response to her communication sent during the previous reporting period regarding allegations of killings, torture arrests and incommunicado detention of human rights defenders (dated 2 November 2012)[62]. She takes note of the information that Mr. Maher Fawzi al-Hamoud was released on 7 November 2012 However, she remains gravely concerned regarding the situation of the other individuals that were listed in this communication.

414. The Special Rapporteur is gravely concerned for the physical and psychological integrity of human rights defenders in the Syrian Arab Republic, particularly in light of the

[61] Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

[62] A/HRC/22/47/Add.4, para. 407

numerous reports received of enforced disappearances, incommunicado detention, ill-treatment, torture and killings of human rights defenders. She expresses her sincere hope that these cases will be duly investigated, that perpetrators will be brought to justice and that the families of the victims that were killed will obtain adequate redress. In this regard, the Special Rapporteur would like to reiterate that the State has a duty to protect and to provide a safe and enabling environment for human rights defenders to conduct their work.

415. The Special Rapporteur expresses particular concern that some of the cases ofincommunicado detention, ill-treatment and torture of human rights defenders could be considered as reprisals for their cooperation with UN human rights mechanisms. In this regard, she strongly urges the Government to ensure that human rights defenders can carry out their legitimate activities in a safe and an enabling environment; this includes through open and unhindered access to international human rights bodies such as the United Nations, its mechanisms and representatives in the field of human rights, without fear of harassment, stigmatisation or criminalisation of any kind.[63]

416. The Special Rapporteur regrets that to date no reply has been received in response to her requests to visit the Syrian Arab Republic (2008, 2010) to enable her to gain a better understanding of the situation of human rights defenders in the country. She expresses her hope that the Government will respond favourably to this request and she remains available to provide guidance and assistance the Government might require.

## Thailand

417. JAL 09/01/2013 Case no: THA 1/2013 State reply: 20/03/2013

**Alleged killing of two women human rights defenders.**

418. JAL 02/04/2013 Case no: THA 3/2013 State reply: 02/07/2013

**Alleged killing of an environmental rights defender.**

419. JAL 26/04/2013 Case no: THA 4/2013 State reply: 03/05/2013; 06/08/2013

**Alleged criminal charges brought against a human rights defender.**

420. JAL 28/05/2013 Case no: THA 5/2013 State reply: 14/10/2013

**Allegations of threats intimidating human rights defenders contained in a statement made by Thailand's Deputy Prime Minister prior to the 2nd Asia-Pacific Water Summit.**

### Observations

421. The Special Rapporteur thanks the Government for the detailed responses received from the Royal Thai Government to all of the four communications issued during the reporting period. The Special Rapporteur welcomes the Royal Thai Government's assurance that it is committed to the protection and promotion of all human rights defenders in Thailand. Following reports of killings and and allegations of threats against human rights defenders, the Special Rapporteur would like to express her concern regarding the physical and psychological integrity of human rights defenders in Thailand. In this regard, the Special Rapporteur would like to reiterate that the State has a duty to protect and to provide a safe and enabling environment for human rights defenders to conduct their work.

[63] A/HRC/RES/22/6/OP13

422. The Special Rapporteur regrets that so far no reply has been received in response to her requests to visit Thailand (2010, 2012) to enable her to gain a better understanding of the situation of human rights defenders in the country. She expresses her hope that the Government will respond favourably to this request and she remains available to provide guidance and assistance the Government might require.

## Tunisie

423. JAL 05/12/2012 Case no: TUN 6/2012 State reply 25/11/2013

**Allégations d'assassinat d'un activiste politique et syndicaliste.**

**Observations**

424. La Rapporteuse spéciale remercie le Gouvernement de la Tunisie des informations fournies dans la réponse à sa communication envoyée pendant la période couverte par le présent rapport. Elle prend note du fait que l'enquête sur le meurtre de M. Mohamed Lotfi Naguedh est toujours en cours et espère recevoir plus de détails dès qu'ils seront mis à disposition. La Rapporteuse spéciale veut souligner que les allégations reçues sont très sérieuses et qu'elle veut croire que des enquêtes seront dûment menées, que les auteurs seront traduits en justice et que la famille de la victime obtiendra une réparation adéquate.

## Turkey

425. JUA 15/03/2013 Case no: TUR 1/2013 State reply: 24/09/2013

**Alleged arrest, detention and conviction of human rights defenders.**

426. JUA 14/06/2013 Case no: TUR 3/2013 State reply: 06/09/2013

**Allegations of excessive use of force during peaceful protests.**

427. JUA 14/08/2013 Case no: TUR 4/2013 State reply: none to date

**Alleged attacks against the independence of the legal profession, in particular alleged the arrest, detention and launching of criminal proceedings against lawyers in the context of antiterrorism operations.**

**Observations**

428. The Special Rapporteur would like to thank the Government for the replies received to two of the three communications sent during the reporting period. She nevertheless regrets that, at the time of finalising this report, no response had been received to her communication dated 14 August 2013.

429. The Special Rapporteur takes note of the detailed response received concerning the protest that took place around Istanbul's Gezi Park in May 2013 and the police intervention in connection to the mentioned protest. She nevertheless would like to underline that the right to protest is an essential element in any democratic dispensation and restrictions imposed on this right should be closely scrutinised with respect to their necessity and proportionality. States have a positive duty to protect assemblies that are peaceful, and assemblies that are threatened with violence should be assured protection and not prohibited or dissolved. Mindful that assemblies can be a source of disruption of daily routines, the Special Rapporteur believes that authorities should try to balance the

competing needs of the different users of public space rather than restricting the rights of those participating in public demonstrations.[64]

430. The Special Rapporteur remains concerned about attacks against the independence of the legal profession, in particular alleged arrests, detention and launching of criminal proceedings against lawyers in the context of antiterrorism operations linked to the contacts they had with their clients within the scope of their professional duties and the legitimate exercise of their profession. These concerns were expressed in her communication dated 14 August 2013 as well as in previous urgent appeals in 2011 and 2012 (TUR 6/2011;1/2012).[65]

431. The Special Rapporteur would like to thank the Government for responding favourably to her request to visit the country (2012) and reiterates her hope that authorities will provide the mandate with sufficient time for the visit in order to allow it to adequately assess the situation of defenders.

## Uganda

433. JAL 21/02/2013 Case no: UGA 6/2012 State reply: none to date

**Allegations that the draft "anti-homosexuality legislation" in Uganda would criminalise "any form of homosexual" act or "attempt to commit a homosexual act, including consensual sex between same-sex individuals".**

**Observations**

434. The Special Rapporteur wishes to express her regret that, at the time of the finalisation of this report, the Government had not responded to the communication she sent during the reporting period.

435. The Special Rapporteur deeply regrets the signing of the Anti-Homosexuality Act on 24 February 2014. She is concerned that this Act will prevent human rights defenders and activists defending the human rights of lesbian, gay, bisexual and transgender (LGBT) persons, to peacefully advocate for dissenting views and exercise their legitimate rights. She also fears that the Act might trigger attacks against and have an intimidating effect on individuals and associations working on issues related to the rights of LGBT persons, including among others those who advocate for human rights for all without discrimination, those who work on preventing the transmission of HIV and those who provide psychosocial support to LGBT people.

## Ukraine

436. JAL 21/12/2012 Case no: UKR 3/2012 State reply: 18/03/2013

**Alleged attack against LGBT rights defenders.**

437. JUA 22/07/2013 Case no: UKR 2/2013 State reply: 05/09/2013

**Alleged forced psychiatric treatment and confinement of human rights defender.**

[64] A/61/312, paras 53-56 and 81

[65] A/HRC/22/47/Add.4, para. 422 and 424

**Observations**

438. The Special Rapporteur thanks the Government for the responses to the two communications sent during the reporting period.

439. The Special Rapporteur is particularly concerned by the alleged forced psychiatric treatment and confinement of Ms. Raisa Radchenko without a document confirming a court order, as mentioned in the communication dated 22 July 2013. Further concern is expressed at the treatment of Ms. Radchenko's family and the information received alleging that the court order to treat and confine Ms. Radchenko may have been issued on the basis of alleged anti-social behaviour, reportedly related to her peaceful and legitimate human rights work.

440. The Special Rapporteur is concerned by the threats to and harassment of LGBT rights defenders in Ukraine, as mentioned in the communication dated 21 December 2012, and reiterates her concerns about the treatment of LGBT community under Draft Law 8711. This legislation criminalises any reference to homosexuality in the media and public domain and makes "promoting homosexuality" an administrative offence, punishable by a fine. Draft Law 8711 also includes homosexuality within a list of offences that "propagandise violence and cruelty", which carries a prison sentence up to five years. In this connection, the Special Rapporteur expresses serious concern over the attack of protestors in the presence of police officers at a LGBT demonstration on 8 December 2012 in Kyiv. She is very concerned about the court order from the Kyiv District Administrative Court banning the protest, and regrets that the legal grounds for this court order were not divulged in the Government's response dated 18 March 2013.

441. Regarding the recent wave of political protests and unrest in the country, the Special Rapporteur would like to echo the United Nations High Commissioner for Human Rights in expressing her concern about clashes and violence during demonstrations,[66] which have caused a number of casualties and left many injured, including journalists monitoring and reporting about the demonstrations. She trusts that constructive dialogue and restraint will be used by State security forces and all parties involved in order to avoid further escalation of unrest.

## United Arab Emirates

442. JUA 07/11/2012[67] Case no.: ARE 7/2012 State reply: 26/03/2013

**Alleged mass arrest and detention of human rights defenders, judges and lawyers.**

443. JAL 04/12/2012 Case no: ARE 8/2012 State reply: none to date

**Alleged violation of the right to freedom of opinion and expression, right to freedom of peaceful assembly and to freedom of association due to the adoption on 12 November 2012 of Federal Legal Decree No. 5/2012, amending the 2006 Cybercrime Law.**

444. JUA 16/04/2013 Case no: ARE 1/2013 State reply: 10/06/2013

**Alleged trial against 94 human rights defenders and other civil society activists, with allegations of torture and violations of fair trial standards, and the sentencing of a human rights defender for publishing information on that trial.**

[66] "New laws could seriously curtail fundamental human rights in Ukraine – Pillay" (16/01/2014) http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14187&LangID=E

[67] Although this communication was sent before the reporting period, a reply was received during the period covered by this report.

445. JUA 20/06/2013 Case no: ARE 3/2013 State reply: none to date

**Alleged physical attack and acts of intimidation and reprisal against Mr Ahmed Mansoor for having cooperated with the United Nations, its representatives and mechanisms in the field of human rights**

446. JUA 06/08/2013 Case no: ARE 4/2013 State reply: 20/11/2013

**Alleged sentencing of 69 of the 94 individuals arrested, including human rights lawyers, judges, academics and student leaders, reported irregularities in their trial, and allegations of torture whilst in detention.**

447. JUA 07/11/2013 Case no: ARE 5/2013 State reply: none to date

**Alleged implementation of the new law on Cyber Crime as well as alleged torture of detainees.**

**Observations**

448. The Special Rapporteur welcomes the responses of the Government of United Arab Emirates to two of the five communications issued within the present reporting period, as well as the response to the communication from the previous reporting period (dated 7 November 2012).[68] She considers all of the allegations very serious as they refer to undue restrictions on a number of rights and freedoms which are fundamental to the activities of human rights defenders, and trusts that a substantive response will be provided shortly to the remaining three communications from this reporting period.

449. The Special Rapporteur would like to reiterate profound concern about the situation of human rights defenders in the United Arab Emirates, particularly due to reports received that indicate a pattern of harassment, arbitrary detention, enforced disappearances and prison sentences targeting human rights defenders legitimately exercising their right to freedom of expression and freedom of association. She remains concerned regarding reports that she has received of torture and violations of minimum fair trial standards.

450. The Special Rapporteur would also like to reiterate her concerns regarding the amendments to the 2006 Law on Cybercrime and the use of this law to silence critical voices calling for basic rights and freedoms and democracy in the United Arab Emirates.

451. The Special Rapporteur also expresses grave concern at the physical attack and acts of intimidation against a human rights defender following a statement that he made by video during the 21st Session of the Human Rights Council. In this regard, she strongly urges the government of United Arab Emirates to ensure that human rights defenders can carry out their legitimate activities in a safe and an enabling environment; this includes through open and unhindered access to international human rights bodies such as the United Nations, its mechanisms and representatives in the field of human rights, without fear of harassment, stigmatisation or criminalisation of any kind.[69]

452. The Special Rapporteur regrets that so far no reply has been received in response to her request to visit the United Arab Emirates (2012) to enable her to gain a better understanding of the situation of human rights defenders in the country. She expresses her hope that the Government will respond favourably to this request and she remains available to provide guidance and assistance the Government might require.

[68] A/HRC/22/47/Add.4, para. 445
[69] A/HRC/RES/22/6/OP13

## United States of America

453. JAL 27/12/2012 Case no: USA 25/2012 State reply: none to date

**Alleged limitations on access to justice for migrant farmworkers in fourteen states of the U.S.A.**

454. JAL 04/12/2012 Case no: USA 33/2012 State reply: none to date

**Alleged arson attack against the offices of non-governmental organisation Women with a Vision (WWAV).**

**Observations**

455. The Special Rapporteur regrets that, at the time of finalising this report, no response had been received to the two communications sent during the reporting period. Moreover, she did not receive a response to the communication sent during the previous reporting period (USA 24/2011).[70] She considers the allegations addressed therein as very serious and trusts that a response will be provided shortly.

## Uzbekistan

456. JAL 05/07/2013 Case no: UZB 1/2013 State reply: 06/09/2013

**Alleged denial of entry and deportation of human rights defender Ms Tolekan Ismailova, a Kyrgyz citizen, Director of the Human Rights Centre "Citizens Against Corruption" (CAC) in Kyrgyzstan, and FIDH Vice President.**

457. JAL 31/10/2013 Case no: UZB 4/2013 State reply: none to date

**Alleged arrest and administrative detention of an independent journalist.**

**Observations**

458. The Special Rapporteur thanks the Government for the response provided to one of the two communications sent during the reporting period but regrets that, at the time of finalising this report, the translation into English was not available. She trusts she will receive a response to the remaining communication, given the seriousness of the allegations presented.

459. The Special Rapporteur is very concerned about credible reports and information received regarding the continous harassment, detention, and prosecution of human rights defenders in connection to their work, including journalists. Defenders are routinely monitored by security officers, questioned, placed under house arrest or prevented from taking part in peaceful demonstrations.

460. The Special Rapporteur would like to reiterate her availability to provide guidance and support to the Government in any issue related to the establishment and consolidation of a safe and enabling environment for human rights defenders, including through the establishment of a conducive legal, institutional and administrative framework.

## Venezuela

461. JUA 25/01/2013 Case no: VEN 1/2013 State reply: none to date

**Presunta violación sexual y agresiones sufridas por una Jueza.**

[70] A/HRC/22/47/Add.4, para. 450

462. JAL 05/04/2013 Case no: VEN 3/2013 State reply: none to date

**Supuesto asesinato de un líder indígena.**

463. JAL 19/11/2013 Case no: VEN 7/2013 State reply: none to date

**Presuntas restricciones indebidas al trabajo de organizaciones de la soviedad civil.**

**Observaciones**

464. La Relatora Especial lamenta que, en el momento de finalizar el presente informe, no se había obtenido respuesta a las tres comunicaciones enviadas durante el periodo del presente informe. Asimismo, toma nota de la falta de respuesta a las cuatro comunicaciones que no obtuvieron respuesta durante el periodo anterior.[71] La Relatora considera que las alegaciones recibidas son muy serias y confía en que serán debidamente investigadas, los culpables llevados ante la justicia y las víctimas recibirán reparación adecuada.

465. La Relatora se muestra preocupada por las recientes modificaciones hechas al Código Penal Venezolano las cuales afectarían negativamente a los defensores y defensoras de derechos humanos que trabajan por los derechos de las víctimas de violaciones conectadas con la conducta de funcionarios públicos y las fuerzas del orden.

466. En este contexto, la Relatora Especial hace eco de las declaraciones de la Alta Comisionada de las Naciones Unidas para los Derechos Humanos y la Comisión Interamericana de Derechos Humanos y querría expresar su profundo pesar por la entrada en vigor de la denuncia de la Convención Americana sobre Derechos Humanos respecto del Estado venezolano el 10 de septiembre de 2013. Le preocupa el impacto que dicha denuncia tendrá sobre la situación de las víctimas de violaciones de derechos humanos ocurridas después de esa fecha y los que trabajan por sus derechos y contra la impunidad, ya que dichas violaciones no podrán ser conocidas por la Corte Interamericana de Derechos Humanos. Esta decisión representa un retroceso lamentable en la universalización de la protección y promoción de los derechos humanos y las libertades fundamentales y contraviene resoluciones adoptadas por el Consejo de Derechos Humanos de la ONU sobre cooperación entre mecanismos regionales e internacionales por lo que la Relatora invita al Estado a reconsiderarla.[72]

467. La Relatora Especial reitera que confía en que el Gobierno responderá favorablemente a su solicitud de visita hecha en 2010 para valorar objetivamente la situación de los y las defensoras de derechos humanos en el país.

## Viet Nam

468. JUA 21/12/2012 Case no: VNM 5/2012 State reply: 28/02/2013

**Alleged trial and imprisonment of two songwriters.**

469. JUA 14/01/2013 Case no: VNM 1/2013 State reply: 21/03/2013; 27/08/2013

**Alleged sentencing and detention of pro-democracy activists.**

[71] A/HRC/22/47/Add.4, paras. 458-459, 461-462

[72] "Pillay insta a Venezuela a reconsiderar su salida de la Convención Americana sobre Derechos Humanos" (11/09/2012): http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=12500&LangID=S; "CIDH manifiesta su profunda preocupación por efecto de la denuncia de la Convención Americana por parte de Venezuela" (10/09/2013): http://www.oas.org/es/cidh/prensa/comunicados/2013/064.asp

470. JUA 01/02/2013 Case no: VNM 2/2013 State reply: 03/04/2013

**Alleged detention of prominent blogger in a mental health institution without judicial process.**

471. JUA 07/02/2013 Case no: VNM 3/2013 State reply: 08/04/2013

**Allegations of conviction of 22 members of the "Bia Son Council for Public Law and Affairs".**

472. JAL 12/04/2013 Case no: VNM 4/2013 State reply: 02/07/2013

**Alleged harassment and threats against a Buddhist activist, writer and human rights defender.**

473. JUA 07/08/2013 Case no: VNM 5/2013 State reply: 11/10/2013

**Alleged arbitrary detention, torture and denial of medical care.**

474. JUA 20/09/2013 Case no: VNM 6/2013 State reply: none to date

**Alleged arbitrary arrest and detention of three labour rights activists, and alleged torture and denial of medical treatment to one of them.**

475. JUA 01/10/2013 Case no: VNM 7/2013 State reply: 10/01/2014

**Alleged legislative amendments which would lead to severe restrictions on the right to freedom of opinion and expression online.**

**Observations**

476. The Special Rapporteur welcomes the responses to seven of the eight communications that were sent during the reporting period and she looks forward to receiving responses to the remaining communication. Nonetheless, she remains concerned for the physical and psychological integrity of human rights defenders in Viet Nam. The Special Rapporteur expresses particular concern over the allegations of torture and ill-treatment of human rights defenders and denial of medical treatment whilst in detention. She is also concerned regarding reports of violations of the right to fair trial.

477. The Special Rapporteur remains concerned by reports received of peaceful human rights defenders and pro-democracy activists being convicted and sentenced on charges of "carrying out activities aimed at overthrowing the people's administration" under Section 79 of the Penal Code. She also expresses concern at the sentencing of musicians with the verdict of "Conducting propaganda against the Socialist Republic of Viet Nam" for publishing songs online about social and human rights issues. In this regard, the Special Rapporteur would like to reiterate her concerns regarding what she views as a pattern of targeting, intimidating and silencing peaceful pro-democracy actvists and human rights defenders who exercise their right to freedom of opinion and expression and their right to freedom of association in the country. In this regard, the Special Rapporteur would like to reiterate that the State has a duty to protect and to provide a safe and enabling environment for human rights defenders to conduct their work.

478. The Special Rapporteur also wishes to reiterate her concern regarding the adoption of the *Decree on the Management, Provision, Use of Internet Services and Information Content Online (No. 72/2013/ND-CP)* ('Decree 72') and she encourages the Government to ensure that Decree 72 does not restrict the peaceful work of human rights defenders in Viet Nam.

479. The Special Rapporteur regrets that to date no reply has been received in response to her request to visit Viet Nam (2012) to enable her to gain a better understanding of the situation of human rights defenders in the country. She expresses her hope that the

Government will respond favourably to this request and she remains available to provide guidance and assistance the Government might require.

## Zambia

480. JAL 14/05/2013 Case no: ZMB 1/2013 State reply: 13/08/2013
28/08/2013

**Alleged criminal charges against human rights defenders and alleged Government campaign against defenders working on Lesbian, Gay, Bisexual, Transgender and Intersex rights.**

481. JAL 21/10/2013 Case no: ZMB 2/2013 State reply: none to date

**Alleged undue interference with the work and organizational structure of civil society organizations**

**Observations**

482. The Special Rapporteur welcomes the response from the Zambian Government to her communication dated 14 May 2013 and its assurances that consultations are being undertaken and that a response will be provided as soon as all information has been collated. She trusts that a substantive response will be provided shortly to the concerns raised therein regarding allegations of harassment of the LGBTI community and in particular those working peacefully to ensure the basic rights of LGBTI individuals.. The Special Rapporteur regrets that she has not received a reponse to the other communication sent during the reporting period.

483. The Special Rapporteur remains concerned that the Non-Governmental Organisation Bill may be used to unduly interfere with the substantive work and organisational structure of civil society organisations and that the unclear provisions and severe criminal sanctions within the Bill may deter human rights defenders from exercising their fundamental right to freedom of association. In this regard, the Special Rapporteur calls on the Government to ensure that human rights defenders can conduct their peaceful and legitimate work in Zambia without fear of harassment, stigmatisation or criminalisation of any sort.

## Zimbabwe

484. JAL 21/02/2013 Case no: ZWE 1/2013 State reply: none to date

**Allegations of repeated acts of harassments against civil society actors, mostly working on human rights issues.**

485. JUA 21/03/2013 Case no: ZWE 2/2013 State reply: 26/03/2013
21/05/2013

**Alleged arbitrary detention of a human rights lawyer.**

486. JAL 08/10/2013 Case no: ZWE 3/2013 State reply: 24/10/2013

**Alleged excessive use of force by police and arbitrary arrest of individuals exercising their right to freedom of peaceful assembly.**

**Observations**

487. The Special Rapporteur welcomes the response from the Government of Zimbabwe to the communication dated 21 March 2013. She takes not of the acknowledgemnt of receipt to the communication dated 8 October 2013 and trusts that a substantive

communication will be provided shortly. She regrets that she has not received a response to the third communication sent during the reporting period.

489. The Special Rapporteur expresses grave concern that repeated searches of human rights organisations may form part of a campaign of harassment aimed at targeting and silencing civil society actors that has continued since the previous reporting period. Furthermore, she remains concerned at the situation of human rights lawyers in Zimbabwe, such as Ms. Beatrice Mtetwa, who has been the subject of three communications since 2004, including the communication dated 21 March 2013 (ZWE 16/2004; 6/2007; 2/2013). Ms. Mtetwa has reportedly been harassed by Zimbabwean police for carrying out her duties as a human rights lawyer. In this regard, the Special Rapporteur urges the Government of Zimbabwe to ensure the protection of human rights defenders and to provide a safe and enabling environment for them to conduct their work.

490. The Special Rapporteur would like to reiterate that human rights defenders "must be protected by the Government and attempts to stifle criticism must end"[73] as expressed in a the press statement dated 27 February 2013, which was issued jointly with the Special Rapporteur on the right to peaceful assembly and of association and the Special Rapporteur on the right to freedom of opinion and expression She expresses grave concern that the allegations of attacks against civil society actors have coincided with participatory democratic processes, such as upcoming elections and the constitutional referendum. She is particularly concerned about allegations of excessive use of force by law enforcement officials during peaceful demonstrations and the arbitrary arrest of protesters.

491. The Special Rapporteur regrets that so far no reply has been received in response to her multiple requests to visit Zimbabwe (2008, 2010, 2011) to enable her to gain a better understanding of the situation of human rights defenders in the country. She expresses her hope that the Government will respond favourably to this request and she remains available to provide guidance and assistance the Government might require.

## Other

492. JAL 10/01/2013 Case no: KSV 1/2012 State reply: 26/03/2013

**Alleged physical attacks and threats against lesbian, gay, bisexual, and transgender (LGBT) rights defenders, including members of the organisations Kosovo 2.0 and Libertas.**

### Observations

493. The Special Rapporteur thanks the Government for the response received to the communication sent during the reporting period. She takes note of the fact the Government shares the concerns expressed in this allegations letter and that it condemned the incident when it happened. She is reassured by the information provided indicating that the corresponding investigation is underway and victims have been offered support and protection.

[73] "Zimbabwe must respect fundamental freedoms in run-up to constitutional referendum," warn UN rights experts (27/02/2013)